

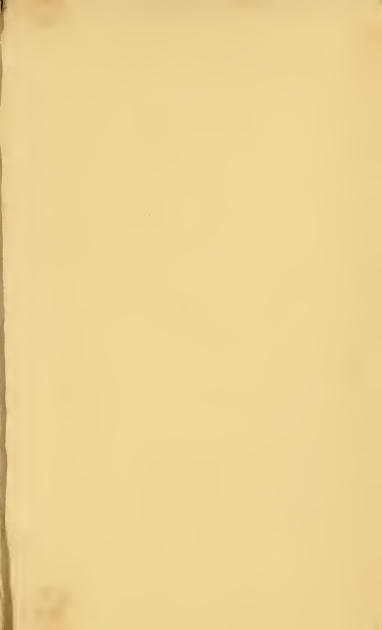
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COBBETT'S

Parliamentary History

OF

ENGLAND.

VOL. VI.

COBBETT'S
Parliamentary History
OF
ENGLAND.

FROM THE NORMAN CONQUEST, IN 1066,
TO
THE YEAR 1803.

FROM WHICH LAST-MENTIONED EPOCH IT IS CONTINUED
DOWNWARDS IN THE WORK ENTITLED,
"COBBETT'S PARLIAMENTARY DEBATES."

VOL. VI.
COMPRISING THE PERIOD
FROM THE ACCESSION OF QUEEN ANNE IN 1702,
TO THE ACCESSION OF KING GEORGE THE FIRST IN 1714.

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THE Volume now presented to the Public comprises the period from the Accession of Queen Anne in the Year 1702, to the Accession of King George the First in the Year 1714. For this period, the Proceedings and Debates in both Houses have been, principally, collected from the following Works: 1. The Journals of the House of Lords; 2. The Journals of the House of Commons; 3. Timberland's History and Proceedings of the House of Lords; 4. Chandler's History and Proceedings of the House of Commons; 5. Boyer's Annals of Queen Anne's Reign; 6. Boyer's History of the Life and Reign of Queen Anne; 7. The Political State of Great Britain; 8. Burnet's History of His Own Times; and, 9. The Continuation of Rapin's History of England, published under the name of Tindal, but principally written by Dr. Burnet.

Besides the above Works, recourse has been had to the Histories of Oldmixon and Somerville; to the political Writings of Swift, Steele, and Addison; the Works of Lord Orford; the Memoirs of the Life and Administration of Sir Robert Walpole, by Mr. Carte; and other books illustrative of the Parliamentary History of the times.

In the Appendix will be found a copious Account of the Proceedings and Debates in the Parliament of Scotland, from the Meeting of the New Parliament in May 1703, to the Union with England in the Year 1707.

April 12, 1810.

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SECTION I.—PERSONS FILLING THE SEVERAL HIGH OFFICES OF STATE FROM THE ACCESSION OF QUEEN ANNE, IN 1702, TO THE ACCESSION OF GEORGE THE FIRST, IN 1714.

Archbishop of Canterbury.

Thomas Tenison, translated from Lincoln.

Lord High Chancellor.

1702. Sir Nathan Wright, knight.
 1703. William Compton, esq. Lord Keeper, created Lord Compton in 1703.
 1707. ... declared Lord Chancellor, May 3. Resigned Sept. 23, 1710.
 Sir Simon Harcourt, kn. Lord Keeper, Oct. 2. Created Lord Harcourt Sept. 2, 1712. Made Lord Chancellor, April 7, 1713.

Speakers of the House of Commons.

1702. Robert Harley, esq. New Radnor.
 1703. John Smith, esq. Andover.
 1706. Sir Richard Onslow, bart. Surrey.
 1709. William Bromley, esq. Oxford University.
 1713. Sir Thomas Hume, bart. Suffolk.

Master of the Rolls.

1692. Jan. 13. Sir John Trevor, kn.

Average General.

1701. July 3. Edward Northey, esq.
 1707. Apr. 23. Sir Simon Harcourt, knight afterwards Lord Harcourt.
 1708. Oct. 21. Sir James Montagu, kn.
 1710. Sept. 12. Sir Simon Harcourt, again.
 Oct. 12. Sir Edward Northey, knight, again.

Solicitor General.

1702. June 1. Simon Harcourt, esq.
 1707. Apr. 23. Sir James Montagu, kn.
 1708. Oct. 21. Robert Eyre, esq.
 1710. May 13. Sir Robert Raymond, kn.

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No. II.—THE ACT OF UNION BETWEEN ENGLAND AND SCOTLAND.

No. III.—LIST OF PUBLIC ACTS PASSED DURING THE REIGN OF QUEEN ANNE.

No. IV.—The Lord Oxford's Letter to the Queen: With a brief Account of Public Affairs, since August 2, 1710, to the present 24th of June, 1714. To which is added, the State of Affairs abroad, as they relate to this Kingdom; with some terrible Proposals for securing the future Tranquillity of her Majesty's Reiga, and the safety of her Kingdoms.

I N D E X

York, Archbishop of, (P)
 ., Bishop of, etc.

COBBETT'S

Parliamentary History.

LONDON, A.D. 1840

Annals of Queen Anne. March 8, 1701. Upon the death of King William, which happened that day, the crown, pursuant to the Act of Succession, devolved to the princess Anne of Denmark, daughter of King James the Second by the lady Anne Hyde, daughter of the earl of Clarendon.

"She was entered on the thirty-eighth year of her age, and from her infancy had received strong prejudices against the Whigs. She had been taught to look upon them all, not only as republicans, but as enemies to the church of England. This aversion to the whole party had been confirmed by the usage she had met with from her sister and King William, which was now to be charged to the account of the Whigs. And prince George, who had also been ill-treated (as he thought) in the late reign, there was too little his avowed enemy. On the other hand, the Tories had the advantage, not only of the queen's early propensities in their favour, but of their having secured her in the office of her revenue. It was indeed evident, from their having done this, more in opposition to the king, than from any real respect to her. But as they had secured her, and the matter before the king died, they had, in prospect of her death, paid her more than usual attendance. Hence it is, that, as soon as she was seated on the throne, the Tories (whom we usually call by the agreeable name of the Church party) became the distinguished objects of her favour, as will presently be seen." *Todd.*

"It is certain that all the late king's heavy friends were under great apprehensions of all consequences from queen Anne's accession to the throne, on account of her known attachment to the interest, which, under the disguise of Church, had acquired so many minds, otherwise well enlightened. And it was a most general surprise to them, when after a respectful greeting of clouds over their heads at the beginning of her reign, a glorious sun broke forth and warmed them, and cleared them for ever from foggy." *Oldmixon.*

The Queen's Speech to the Privy Council. On the evening of the same day the Privy Council came (as a body to wait upon the new queen, who received them with the following speech:

"My Lords;

"I am extremely sensible of the general inclination to these longwinded, or the unsupportable heat of the king, and the great weight and burden it brings in particular on myself; which nothing could encourage me to undergo, but the great concern I have for the preservation of our religion, and laws and liberties of my country. All these, being as dear to me, as they can be to any person whatsoever, you may depend upon it, that no man nor diligence shall ever be wanting on my part, to preserve and support them; to maintain the succession in the Protestant line, and the government in church and state as it is by law established. I think it proper, upon this occasion of my first speaking to you, to declare my own opinion of the importance of carrying on all the preparations we are making to oppose the great power of France; and I shall lose no time in giving our allies all assurances, that nothing shall be wanting on my part, to pursue the true interest of England, together with theirs, for the support of the common cause. In order to these ends, I shall always be ready to ask the advice of my council, and of both houses of parliament, and desirous to concur and employ all those, who shall heartily enter and join with me, in supporting and maintaining the present establishment and constitution against all enemies and opposers whatsoever."

After this declaration, she ceased all the lords, and advised of the late king's privy coun-

"The queen pronounced this, as she did all her other speeches, with great weight and authority; and with a richness of voice, and sweetness in the pronunciation, that added much life to all she spoke; and these, her first expressions, were heard with great and just acknowledgment." *Barnet.*

rid, to take the oath to her in the same quality, and ordered a proclamation to be published immediately, signifying her pleasure, that all persons being in office at arbitrary or government, at the decease of the late King, should so discharge all further directions. And, by the said made two years before, the parliament, upon the mourning for King's death, it was so concerned to us, both houses met, in your day, and unanimously voted to address the Queen to conclude with her on the said mourning, and to congratulate her happy accession to the throne. Then the house of commons did, by printed order common, that order was given for publishing her majesty that mourning which was accordingly done with the usual solemnity, and the loud acclamations of the people. Though it is remarkable, that the day shewed a capital multitude of men and you, many being apprehensive, that the death of King William, as it excited a passion, might be attended with consequences fatal to Europe in general, and to the Protestant governments of these kingdoms in particular.

The Queen's Address to the Queen. March 9. The Lords, pursuant to vote, attended the Queen with the following Address:

"We, your majesty's most devoted and loyal subjects, the Lords spiritual and temporal in parliament assembled, though deeply sensible of the sorrow it doth bear that nation both increased by the decease of his late majesty, of glorious memory, do, at the same time, most heartily congratulate your majesty's happy accession to the throne, and with all loyalty and duty assure your majesty of our wishes and firm resolutions to support your undivided right and title, and the maintenance of the Protestant line, as by law established, against all your enemies whatsoever; being sensible our great loss is no otherwise to be repaired, or ourselves or our country restored, but by a most sincere and vigorous assistance to your majesty and your allies, in the prosecution of those measures already entered into, to reduce the exorbitant power of France. And we will ever make it appear to your majesty and the world, that our zeal and affection for your majesty's service, and the care we have of the public safety, engage us to exert ourselves with the utmost vigour and care, for obtaining, under your majesty's reign, such a balance of power and interest, as may effectually secure the liberties of Europe.—And we further humbly desire, that, for the encouragement of your majesty's allies, as time may be lost in communicating to them your majesty's resolutions of adhering firmly to the alliances already made.—And we shall never be wanting, to the utmost of our power, to enable your majesty to maintain the same."

The Queen's Answer. Her majesty returned the Answer:

"My lords; It is with great satisfaction that I receive the assurances you give me in your Address. My endeavours shall always be very

success, to promote the true interest of England, and support our common cause."

The Commons' Address. The same day, in the evening, the Commons attended her majesty with the following Address:

"Most gracious sovereign, We, your majesty's most faithful and loyal subjects, the Commons in parliament assembled, having a day and four several the great loss the nation has sustained by the death of our late sovereign King William the third, of glorious memory, who, under God, was our deliverer from popery and slavery, heartily crave leave to conclude with your majesty, and express our sorrow, upon this sad occasion.—Your majesty's accession to the throne, which we most heartily congratulate, and your wisdom and for our religion, and the government, as by law established, goes on in certain prospect of future happiness moderate our grief, and engages us unanimously to assure your majesty, that we will, in the closest, most and support your majesty on that throne where God has placed you, against the pretended prince of Wales, and all your enemies. And, whatsoever can conduce more to the honour and safety of your majesty, and your kingdom, these maintaining ourselves such measures as have been made, or that your majesty shall think fit to make, with the Emperor, the States-General of the United Provinces, and other protestants, for preserving the liberties of Europe, and reducing the exorbitant power of France, we do assure your majesty. That we are truly resolved, to the utmost of our power, to enable your majesty to prosecute that glorious design. And, that all your subjects may stand in a full assurance of happiness under your majesty's reign, we will maintain the succession of the crown in the Protestant line, according to the succession in the several acts of settlement; and effectually provide for, and make good, the public credit of the nation."

The Queen's Answer. The Queen returned the Answer.

"Gentlemen: I return you my hearty thanks for the kind assurances you give me in this Address. They cannot be any way more agreeably confirmed to me, than by your great dispatch to all your preparations for the public service, and the support of our allies."

The Queen's first Speech to both Houses.

"This good harmony between the queen and her parliament, together with the resolution of the Commons about public credit, immediately raised the national funds above their former value, which upon King William's death had fallen above three per cent. The queen not only assured the addresses of both houses in this desirable manner, but moreover did recover all that came to her so grievously, that they went from her highly satisfied with her goodness and her obliging deportment; for she heartily and with attention to every thing that was said to her." Trench.

ings.—We cannot make notable returns to your majesty, for your most gracious presence at a careful and diligent administration for the public good, which we think ourselves infinitely indebted to, is so precious an engagement under your sacred word.—Your majesty hath been pleased to assure us of all we could wish, and encouraged us in what we ought to desire; and, we doubt not, your pious intention will procure a blessing from heaven.—And your majesty may be assured, that resolutions so becoming a queen of England cannot but merit the deepest impression upon all hearts that are true to the interest of their country.”

The Queen's Answer.] To this, her majesty was pleased to answer:

“My Lords, It is a great satisfaction to me, to find, that what I have said has your concurrence and approbation, and I am willing to repeat to you, upon that occasion, That I shall always hold very exactly to the assurances I have given you.”

“The Address of condolence and congratulation of the bishops and clergy of London being the same day been presented to the queen by the archbishop of Canterbury, the bishop of London being indisposed, her majesty made answer, That she was very well pleased with the words of their good-will, and they might be sure she should always have a particular care of the church. The Dissenters, in and about London, presented also an address, which was the more remarkable, because all the non-conformists, except the Quakers, joined in it. The queen, in her answer, assured them of her protection, and that she should do nothing to further her interest in their afflictions. Which words were afterwards remembered, when the royal answer was given to the Scotch and Bretonish bills. The city of London, and all the counties, came, and even the scholastic bodies of oxen, came up with addresses. In these, a very great display of stile was shew'd; some mentioned the late king in terms full of respect and gratitude; others named him very coldly—some took no notice of him, nor of his death, and simply congratulated her accession to the crown; and some intimated reflections on his memory, as if the queen had been ill used by him. Her majesty received all civilly; to most she said nothing, to others she expressed herself in general words, and some things were given out to her ears, which she deserved.

“The continuation at the Hague for long William's death was exceedingly great. Upon the first news of it, the States-general and those of Holland assembled immediately: they looked upon one another as rats alarmed; they comforted each other, and promised to hold together, and adhere to the interests of their country they set up most part of the night, and sent out all orders that were necessary, upon so extraordinary an emergency, and dispatched letters to the provinces and to the

The Carol Last sented.] The House of Commons pursued the affairs recommended to their

cases of Holland, to appoint them with the army, and to submit to reason, and a peace, scarce in the alternative and concerted design. The Imperial, Prussian, and Spanish ministers also expressed in their respective courts on this occasion, and sent all to the English embassy. Count Oers encouraged them, by assuring them, that accident would not stop the least advances in the conclusion of the negotiation, and that he had just received the important news from Vienna that the king of the Romans would in person order the campaign on the Rhine. As the express from England had brought the queen's speech to her parliament, it was agreed by these ministers, that it should be translated into French and Dutch, in order to remove the dangerous apprehensions of the people, which had a very good effect. The next day, the States-general met early in the morning and again in the evening. The States of Holland being likewise assembled, preliminary Negotiations made them a morning, but ended in discouraging speech. He imported to show a letter he had received from the earl of Marlborough in the queen's name, with very positive assurances of union, assistance, and vigour. Upon this, the states of Holland wrote a body to the assembly of the States-general, where, having confided their irreparable loss, they represented, “That, in this dangerous conjuncture, nothing could prove more advantageous to their preservation, than a perfect unity, mutual confidence, and a unanimous resolution for the defence of their country, and by adhering firmly to those measures already entered into, and such as should be judged further expedient for the good of the common cause; declaring voted, that they were ready to perform their part, and rather to sacrifice all their blood and treasure, than to see their State, their Liberty, and their Religion destroyed.” This representation was highly applauded by the States-general, who returned thanks to the States of Holland for their zealous resolution in that particular matter, and assured them of their hearty concurrence for the safety and welfare of the State, and unanimously carrying on the common cause; and they ordered letters to be sent to the other provinces, to invite them to give the same assurances. The city of Amsterdam, in regard themselves more particularly, as that account they did to the States-general, that they would not only consent to such measures as, as should be thought necessary at that time, but would advance money to those provinces, which could not so readily furnish out their quotas that should be granted. The States-general, not after, published their motion in larger print, to the same effect, and concluded, “That they were resolved religiously to maintain their union and alliance, entered into with their confederates; steadily to pursue the common interest, diligently and carefully to put that in execution; to persevere in the measures of

remembrance from the throne. The queen, in her first speech, having put them on mind of the oppression of the civil list revenues, a bill passed both houses, to continue to her for life fullness revenue that was payable to the late king, though many seemed to apprehend, that against a revenue might be applied to uses, not proper for the public, in a regulation was to be made, and probably would not be subject to great cavils.

only taken, and agree to such other measures as should be thought convenient; and that none should be given of this their true meaning and intention to all their allies and confederates."

"For a farther encouragement to the States, the next post brought a letter, in French, from queen Anne, which she had sent pursuant to her desire since it came, and the lords desire in their address. The letter was sent to Mr. Scroppe, with new credentials as envoy extraordinary from England, both which, as he was then ill of the pox, he immediately delivered by the hands of his secretary, to the president of the States.

"These assurances from the queen, and the good disposition of both houses of parliament, expressed in their addresses (which were also sent over) were a great comfort to the States in the bosom of the middlebiter; but what rived them most, was the arrival of the earl of Marlborough, with the character of ambassador extraordinary and plenipotentiary. The queen, five days after her accession, had made him and the duke of Bedford knights of the Garter, and the next day, having declared the earl captain-general of her forces both at home and abroad, despatch him into Holland, to give the States full assurance of her maintaining the alliance on, that had been concluded by the late king, and of doing every thing that the common interests of Europe required. That the ambassador delivered, in a speech to the States, which was printed and dispersed for the satisfaction of the people. In which, the president of the work, returned due thanks in the name of the States. Expressing their great affliction for the death of the late king; their congratulation of her majesty's accession to the throne; their hearty thanks for the assurance of her friendship, and their own readiness to co-operate with her majesty in a vigorous prosecution of the common interest. To which he added, "That his majesty's person would be highly acceptable to them, not only for the queen's choice of him, and for the sake of king William, who first introduced him with that character, but for his own merit." It was observed that, when the president mentioned the late king, the tears ran down his cheeks.

"The news of king William's death was received in France, with much joy, that the court and people could hardly contain themselves, without breaking out into the most famous transports; as was done at Rome to such a degree of extravagance, that Cardinal Germani,

The Queen's Speech, on passing the Revenue Bill and the Bill for taking the Public Accounts, 1 March 1702. Her Majesty came to the House of Peers, and made the following Speech

"My lords and gentlemen: I am very much pleased to have given my consent to the Act for taking the Public Accounts, I thought more reasonable than to give the kingdom the satisfaction of having those great sums accounted

the imperial manner, completed all as the pope, as an affront to his master, the emperor, who was the deceased king's friend, ally, and confederate. But little notice was taken of it. They were so much in France that the news would not prove true, that the person who brought it from Cologne, was seized by the governor's order, and kept in prison till it was confirmed. However, the French king finding that the death of king William would not have that effect, which in England or Holland, as he had promised himself, immediately sent instructions to the mar de Barre (who was left at the Hague by count d'Arson as secretary to the embassy) to renew negotiations with the States, in hopes of separating them from their allies.

"The earl of Marlborough's stay in Holland, though it was but a few days, was in very good purpose. He had confirmed the Dutch in their former resolutions, and settled several important affairs with the States, particularly the opening the campaign, for the siege of Maestricht (which by his advice was first to be undertaken) and the attack of Cadix. He had agreed with the States and the Imperial success that was should be proclaimed against France the same day at Vienna, London, and the Hague. During his stay, the States had conveyed into such a confidence with the earl of Marlborough, that he departed as well satisfied with them, as they were with him. He embarked on the 2d of April, and on the 14th arrived in England." *Tindal.*

"The queen passed a bill for recovering and maintaining the Public Accounts; and in her speech, she expressed a particular apprehension of that bill a continuation in the same effect had been kept up, for an or seven years, during the former reign, but it had been let fall for some years, when the commissioners had never been able to make any discovery where-ever, and so had put the public to a considerable charge, without reaping any sort of fruit from it. Whether that flowed from the weakness or corruption of the commissioners, or from the integrity or cunning of those, who dealt in the public money, cannot be determined. The party that had opposed the late king, had made that the chief object of their complaints all the while over, that the public was robbed, and that private men lived high, and yet raised large sums out of the public treasure: this had a great effect over England; for all people naturally breathe in complaints of that kind, and very easily believe them: it was also such, to expose the fragility of the Spanish crown.

continuous Admin.] The queen as

It is a great satisfaction to me to see you so well pleased with what I have done. I shall be glad, upon all occasions, to do you service, and to do as much as the public interest requires of my power."

On Margaret's word.] "The queen," says *Macaulay*, "withdrew on the throne, began to read the petition; her Ministers, whereas she was sitting, began to her passing to the House of Commons, and then all along pre-occupied in the King, then latter adhered to the Whigs. In 1706, who was appointed prime of the state, and keeper of the great seal," was her endeavour to moderate her and the Tories, and engage her to a better opinion of the opposite party. Her influence upon the queen, how great some in other respects, was in this case but of little effect; and the lords Marlborough and Godolphin themselves would not have had so great a share of her favour and confidence, if they had not been reduced in the number of the Tories. The result, both these lords had been selected in the parliament, that the Tory party were the best friends to the conservation both of church and state, nor were they perfectly unknown to, but by experience."

"The John Sharp, archbishop of York, was picked upon by the queen herself to preach the sermon at her coronation, (which was performed on St. George's day, April 23, with the usual magnificence) and to be her chief counsellor in church matters. The late king had not a week before his death, to let him know, that he had put an end to his resignation of lord high-treasurer of Ireland, but that was not executed to form; so the commission still subsisted in his person, and he was now declared lord high-treasurer of Ireland. The lord Godolphin was, on the 21st of May, declared lord high-treasurer. This was very contrary to himself, for he resented the matter long; but the earl of Marlborough, whose eldest daughter was married to that lord's eldest son, pressed it as so positive a necessity, that he said he could not go beyond me to command the army, unless the treasury was put into his hands, for then he was sure, that resistance would be punctually made to him. The earl was declared captain general, and the prince of Denmark, on the 17th of April, had the title of generalissimo of all the queen's forces by sea and land; and it was for some time given out, that he intended to go beyond sea, to command the army of the alliance, but this report soon

fell, a being said, that the Dutch were not willing to trust their armies to the command of a prince, who might think it below him to be limited by their necessities, or to be bound to obey their orders. The late king, he declared the commission to the duke of Marlborough, and had command of that great trust to the earl of Marlborough. The result of that house had been all kept, and there was with a failure to it, that the king made all to vote in a single person. The earl of Marlborough was not much brought to the state to it; he was a would drive a heavy load upon him, and was sensible that, by his ignorance of sea affairs, he might fall into errors. To avoid which, he made use of good officers to assist him, and, resolving to command the fleet in person, took great pains to put things in such order, that it might be well ready. A bad navy was designed to go with the fleet, to the command of which the duke of Devon had been named. But, upon new memories, the earl of Marlborough was first ordered not to go to sea in person, and soon after dismissed from his post, with the offer of a great pension, which he generously refused, though the state of his affairs and family seemed to require it. Prince George, on the 21st of May, was made lord high admiral, and appointed sir George Roke, sir David Mordaunt, George Churchill, admiral of the blue squadron, and Richard Hill, admiral of the red squadron, though the legality of such a council was much questioned, as it was a new court, which could not be authorized to act but by an act of parliament; yet, not in respect to the queen, no public opinion was made of it, and the objection to it never went beyond a secret murmur. On the 24th of April, the duke of Devonshire was appointed lord steward, the earl of Jersey lord chamberlain, the earl of Blenheim treasurer, and Peregrine Bertie vice-chamberlain, and sir Edward Seymour comptroller of the household, who, three days after, was likewise made of the great council; and the earl of Abington, success Weymouth, lord Highmarch, Mordaunt, Green, and Harcourt, Green,

"It will be seen by this view of the government, that those gentlemen who were leading in the debate about France, and for non-admission of those that were in them to be members of parliament, when there was no great likelihood of their being chosen to accept them; did now very readily embrace the opportunity to get into them, without shaking at being excluded the parliament. Mr. John How had more than once declared, he for his part would never be drawn off from his Country Party by the temptations of a place, and when he was approached with sitting contrary, it was reported he should say, 'he had kept his word, for he had not a place;' that of Parliament General being divided between him and Mr. Fox. A poor quibble for so renowned a patriot. It is certain there is a great deal of trade in what Dr. Carey writes his abridgement. 'King William was an honest dead, and the Tories felt

* The ladies of the bed-chamber were, the duchess of Devon and Queensbury; the duchess of Scarborough, Burlington, and Abington; the marchioness of Hastings; the lady Hyde, Spencer, Fritcheville, Charlotte Beverton, and Harriet Godolphin; and the duchess of Hamilton.

Harcourt, with several others who had, during the last reign, expressed the most violent and unbecoming sentiments to the whole administration, were now brought to the council-board, while the names of the lord bountess and Harcourt, and of several others, already attached to the moderate principles, were left out of the list. The party sent to the administration of all men, was given to the marquis of Norbury, and to Mr John Leveson Gower the chancellorship of the duchy of Lancaster. On the third of May, the earl of Nottingham and Mr Charles Hedges were appointed secretaries of state, in the room of the earl of Manchester, and Mr. Vernon, the latter of whom was however made one of the tellers of the exchequer. The Tories would trust none but the earl of Nottingham, and he would serve with none but Mr Charles Hedges; and the matter had down at court was, to put the direction of affairs in the hands of that party, who promised to carry on the war, and to maintain the alliance. If they failed in this, it was said, the queen would put her affairs into other hands, which at that time few could believe.

The queen continued all the judges in their posts, except Mr justice Tordam and Mr. Lewis Burdett, and most of the lord-treasurers of counties, nor did she make any change in foreign ministers. It was generally believed, that the earl of Rochester and his party were for secret methods, and for a more quiet change quite through all whilom engagements, but the lord Godolphin and the earl of Marlborough were for more moderate proceedings; so that, though no Whigs were put in any post, yet

the effects of the change. They shut their
 doors if will before, and were ready to reflect
 upon them on all occasions, now equally im-
 ployed; and though their hands were tied
 before, seemed now to conclude they should
 have full liberty to deal with them as they
 pleased, and talked of nothing less than sup-
 pressing them. This was common in the city,
 and in several parts of the country. They
 talked of pulling down their meeting-houses,
 as places not fit to be suffered; and in one
 town, Newcastle Under-Lyme, a borough for
 which Mr John Leveson Gower was one of the
 representatives, they actually went to work as
 soon as ever the tidings of the king's death
 reached them. Several sermons were preached,
 and pamphlets departed to blotch them as
 much as was possible; and such a violent
 temper discovered itself on a sudden, and
 such an inclination to heat and fury, as plainly
 showed the parties affected to have been long
 under an universal sort of restraint. Some
 that had taken the oath to King William,
 showed they did not love him by expiring in
 sermons, &c. But her majesty openly de-
 claring for the more moderate as had been
 pursued on the last reign, and the issue of
 peace appearing unlikely for the memory of
 King William, it was a curb and a check to
 them. — *Obituary.*

many were kept into those, which they had en-
 joyed during the former reign.

Declaration of War against France and Spain. May 4 The following Declaration of war against France and Spain was solemnly proclaimed.

"*ANNO R.*

"*Whereas* his most pleased Almighty God, call us to the government of these realms, at that time when our late dear brother William 3, a glorious memory, had, in pursuance of the repeated advice of the parliament of this kingdom, entered into solemn treaties of alliance with the emperors of Germany, the States-General of the United Provinces, and other princes and potentates, for preserving the liberty and balance of Europe, and for restoring the exorbitant power of France; which treaties are grounded upon the most conspicuous and unambiguous of the French king, who had taken, and still keeps possession of a great part of the Spanish dominions, according to absolute authority over all that sovereignty, having seized Milan and the Spanish Sicily Convents by his arms, and made himself master of Cadix, of the colonies and the whole territories, and of the ports of the Spanish West Indies by his fleets; every where designing to invade the liberties of Europe, and obstruct the freedom of navigation and commerce. And it being provided by the third and fourth articles of the aforesaid treaties, that if, in the space of two months (which are now since expired) the injuries complained of were not remedied, the parties concerned should mutually assist each other with their whole strength. And whereas, instead of giving the satisfaction that ought justly to be expected, the French king has not only proceeded to further violence, but has added thereto a great affront and indignity to us and our kingdom, in taking upon him to declare the pretended protest of Wales king of England, Scotland, and Ireland, and has also influenced Spain to enter in the same affront and indignity as well as in his other oppressions. We his majesty obliged, for maintaining the public faith, for vindicating the honour of our crown, and for preventing the mischief which all Europe threatened with, to declare, and we do hereby accordingly declare war against France and Spain; and placing our entire confidence in the help of Almighty God, and in our own ordinary and extraordinary assistance, we will (in conjunction with our allies) vigorously prosecute the war, by sea and land, being assisted of the royal conscience and assistance of our subjects, in case they bear so openly and heartily expressed. And we do hereby will and require our lord high-admiral of England, the general of our forces, our lieutenant of all several counties, governors of our towns, castles, and all other officers and soldiers under them by sea and land, to do and use our full power of hostility in the prosecution of this war, against France and Spain, their

not suffer's sake, and so oppose their attempting ending and signing all our subjects to take notice of, and to have no knowledge strictly taken to hold any correspondence or communication with France or Spain, or their subjects. But, because there are remaining in our kingdom members of the subject's Government, who may do declare our royal intention to be, that all the subjects of France and Spain, who shall do so themselves directly towards us, shall be safe in their persons and estates, we direct at our court at St. James's, the 4th day of May 1707, in the first year of our reign."

[*The Lord's Address thereon.*] May 5. The Lord presented the following Address:

"We, your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, do return your Majesty our most humble Thanks, for laying before us the Commission made by your Majesty with the Emperor and the States General, in order to a proposed Declaration of War against France and Spain, and of your royal intention to declare the same accordingly; and beg leave to assure your Majesty, that we shall never be wanting, to give your Majesty our utmost assistance in the prosecuting to just and necessary a war; on the good success whereof, under God, the welfare of these your Kingdoms, and the tranquility of Europe, do mutually depend."

[*The Queen's Answer.*] Her Majesty gave this Answer:

"My Lords, I return you many Thanks, for your Address, and the assurances of your support and assistance; which are always very agreeable to me, and particularly upon this occasion."

[*The Commons' Address.*] The Address of the Commons was as follows:

"Most gracious sovereigns, We, your Majesty's most dutiful and loyal subjects, the Commons of England, in parliament assembled, being highly sensible of your Majesty's great and tender care for the safety and welfare of your people, do with one voice, return your Majesty our most humble thanks for your gracious consideration in commencing to us your royal intention of declaring war, in conjunction with your Majesty's allies, against the French King, and his grandson; and we do hereby assure your Majesty, that we will, to the utmost, enable your Majesty to carry on the said war."

[*The Queen's Answer.*] The Queen gave this Answer:

"Gentlemen, I am extremely pleased with the assurances of your resolution to assist and support me in the war; I make no doubt but your unanimity, upon this occasion, will have a very good effect, for the encouragement of the others."

[*The Lord's Resolution concerning the Resolution of the declared King.*] The resolution made
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forth in prior, by order of the house of Lords, the Resolution of the King of the said King upon the affairs of great moment. There was a resolution more raised, wherein, not only the late King, but her present Majesty also was mentioned, viz. That the late King James did, before her death, make a will in the presence, wherein he charged her not to accept by any means of the crown, upon the death of King William, but in the way for the restoration of his pretended son; and that the King having never consented, and desiring to see the letter, she should receive it, upon which it should contain assurances for setting her aside, and that Papers were found in her closet to that purpose; wherefore, the Lords having made enquiry into the matter, and as much as in them lay, to eradicate the fear of their late royal ancestors, deceased, they came to the Resolution:

"That whereas their lordships had been informed, that there had been a report spread abroad, that, among the late King's papers were Papers or Papers had been found, tending to the prejudice of her present Majesty, or her succession to the crown; and the Lord President, the Lord Bishop, the Lord Chamberlain, the Earl of Marlborough, and the Earl of Albemarle, who were the persons appointed by her Majesty to inspect the said papers, being, at the house of the house, privately declared, that amongst the late King's papers, they did not see or find any paper or papers, in the least tending to the prejudice of her Majesty or her succession to the crown; or to her prejudice in any respect whatsoever, or which might give any ground or colour for such report. It is therefore resolved by the Lords spiritual and temporal in parliament assembled, that the said report is groundless, false, malicious and scandalous, to the dishonour of the late King's memory, and to the tending to the dishonour of her present Majesty."

"It is ordered by the Lords spiritual and temporal in parliament assembled, That the matter of fact aforesaid, and the resolution of the house thereupon, be had before her Majesty by her grace the duke of Bolton, the earl Marshal, the earl of Bathurst, the earl of Stair, the earl of Scarborough, and the lord Petre; and that they do humbly draw her Majesty, from the house, that her Majesty will give order to Mr. Attorney General to prosecute, with the utmost severity of law, the authors, or publishers of the above mentioned, or such like scandalous reports."

[*The Queen's Answer.*] In pursuance of the Resolution, and proceeding of their lordships, the duke of Bolton accompanied the house, that herself, and the other lords, attended and presented their lordships' resolution to her Majesty, in answer whereunto, she was graciously pleased to say:

"I am very ready to do any thing of this kind; I will give directions to Mr. Attorney
C

all this there are several expressions, which are grossness, falsehood, and scandalous, tending to great prejudice in her Majesty's subjects, and to disturb the peace and quiet of the kingdom." And where they ordered Mr. Wingham's address to be read forthwith, and to be presented to the said doctor Danks, for his signature, and the said paragraph.

[*For evidence in respect to 'Tom Danks.'*] May 1701. I have lately being read for the second time a volume at the Westminster-Company, and John Vane, Esq. refused to give an account of what it had done, in order to deliver the author and printers of the book entitled, 'Tom Danks, returned out of the country.' On the same Friday at a meeting with, set out as a second dialogue between Mr. Wingham, and Mr. Danks, at the House of Commons in Queen's Street. They were called in, and Mr. Vane said that Mr. Barker, the printer, gave him the book to publish, and they withdrew. Then the house went into a consideration of the paragraph in the 88 and 89 pages of the said book, which were read as follows, &c., viz.

"Wingham. I find it is a heavy misfortune, and great damage, the town would not take, we were very late upon it, just before the parliament met, and the Whig coffee-house being how necessary it was to level into the Arms of Settlement, and to exclude—"

"Danks. Nonsense, Wingham, talk no more upon that subject, I know you; both sides are read out, and since we are not strong enough to make it go, and that on the contrary, it has alarmed and provoked all sorts of men, we are now directed to say, that never was more thing was intended by our Party, though God knows, it was the whole discourse of all our clubs. Under the cover, this was one of those attacks that proved abortive upon the 20th of December last; but though it be not reasonable to say so at now, never fear our abandoning a wicked design; we never quit by such any mischief; however, since it has really opened the eyes of a great many, and weakened our interest among several of our own side, whom, (with great modesty I speak it) we cannot work up to the policy of so much imposture, let us take all occasion of declaring, that we will not violate those acts upon any account whatsoever; which we may the more safely do, because you know it is our principle not to think that we are bound by any protestation we make either in person or in public; and it is one of the great advantages we have over the rest of our fellow-subjects, and we can know the consequences of what, while our own are at perfect liberty."

Then it was proposed to pass the same censure on these passages, as was passed on part of the preface of Mr. Danks's book.

After debate the question was put, Whether the house should be then adjourned? It was resolved in the negative. Then the question

was proposed, That in the paragraph which have been read, contained in the 88th and 89th pages of the book entitled, 'Tom Danks returned out of the country, &c.' there were several expressions, which were grossness, falsehood, and scandalous, tending to great prejudice in her Majesty's subjects, and to disturb the peace and quiet of the kingdom.

Then the question was put, Whether the words, 'grossness, falsehood, and scandalous,' should be left out of the question?

It was resolved in the negative. After which the same question was put, That in the paragraph which had been read, as above, there were several expressions which were grossness, falsehood, and scandalous, tending to great prejudice in her Majesty's subjects, and to cause great misunderstandings, fears, and disputes amongst the queen's subjects, and to disturb the peace and quiet of the kingdom. It was resolved in the affirmative, in these words; It is resolved and declared by the Lords spiritual and temporal in parliament assembled, that in the paragraph which have been read, contained in the 88th and 89th pages of the book, entitled, 'Tom Danks returned out of the country' or the true Picture of a modern Whig set forth, as a second dialogue between Mr. Wingham and Mr. Danks, at the House of Commons in Queen's Street, there are several expressions which are grossness, falsehood, and scandalous, tending to cause great misunderstandings, fears and disputes amongst the queen's subjects, and to disturb the peace and quiet of the kingdom.

[*An advertisement upon Sermons on the 20th of January, ordered to be heard by the Bishops.*] This being over, and complaint being made to the house, on the 10th, of a book entitled, 'An advertisement upon the two last 20th of January Sermons' (that preached to the honorable House of Commons: The other to the Lower House of Commons, in a Letter after reading and considering the several paragraphs and places therein, and debate thereupon. It was resolved and declared by their lordships, That the book or pamphlet, aforesaid, was a malicious, seditious tract, containing very many reflections on King Charles I. of ever-blessed memory, and tending to the subversion of the monarchy. And therefore it was ordered by the lords spiritual and temporal in parliament assembled, that the pamphlet should be burnt by the hands of the common hangman at Westminster, on Friday, the third day of the instant, between the hours of one and two of the clock in the afternoon of the said day.

[*Dr. Bunkle's Sermon reviewed.*] Then the house took into their consideration a book, entitled, 'A Sermon preached on January the 24th, 1701, in King Henry 7's chapel before the reverend clergy of the Upper House of Commons.' By W. Bunkle, D.D. & Preacher for the

doctors of Litchfield and Coventry." And some parts or paragraphs out of the sixth, seventh, and eleventh pages of the said book, being read as follows, &c.

"And let, as to the near resemblance between the parties concerned, as well also as to the influence, comparing those in the past with those of the day.—And here one would imagine, the latter were now led to recall St Paul's expression in the most literal sense the words will bear, 'and surely to themselves the Lord stretch,' and in the worst likeness that could be put here to an open shame. As with respect to the dignity of the person, to have been born King of the Jews, was what ought to have terrified our Saviour from violence, here it also was, not only born to a crown, but a crown bestowed on him. He was not only called King by name, and at the same time derided by others for being so called, but he was acknowledged by all to be a king; he was not just dressed up for an hour or two in 'Purple Robes,' and related with a 'Laid King,' but the usual attentions of royalty were his customary appanage; his subjects owed him to be their king, and yet they brought him before a tribunal, they judged him, they condemned him; and that they might not be wanting in any thing to set him at naught, they put upon him, and treated him with the utmost contempt. Our Saviour declaring, 'that his Kingdom was not of this world,' might look like a sort of remission of his temporal sovereignty, for the present, detaching only to reign in the hearts of men; but here was nothing of this in the case before us, here was an indisputable right of sovereignty, both by the laws of God and man, he is the prince of peace, and the Lord's anointed, and yet, in despite of all law, both human and divine, he was by direct force of arms, and the worst, during methods, of a flagrant rebellion and violence, deposed of one of his temporal crowns and life.—The fact of this day was such a crying woe, the first such woe, the apostate angel Lucifer. It was such a going beyond the old serpent in his own way of rebellion and pride, that it is no wonder if he began to raise his head, and set up for dominion in the world, when thus warmed and encouraged by a fiery zeal or rage in others, to the degree of drunkenness, thirsting after and satiating themselves in royal blood; and in which respect only, devoted to the degree of poverty and modern, the plea in any case may seem to have some hold of them."

"Father, forgive them, for they know not what they do."

After debate thereupon, it being proposed to insert these paragraphs, the house went to the following resolution:

"It was resolved and declared by the Lords upon roll and request in parliament assembled, That in the book entitled, 'A Sermon preached on the Sunday the 25th, 1701, in King Henry's Church, by the Reverend Father in God of the

Lower House of Convocation, by W. Barker, D. D. a Pastor for the Diocese of Litchfield and Coventry,' there are several expressions that give just scandal and offence to all Christian people." That it being proposed to burn the Sermon; it was resolved in the negative; But at the same time their lordships ordered, That the resolution above-mentioned, should be communicated to the lord bishop of Litchfield and Coventry, in obedience, whom they left to consider him in his thought fit, according to the rules of their office.

A Book naming near the Editor of 'He never returned.' In the next place, complaint being made to the house, of two passages in the pamphlet, entitled, 1. "Reasons for adhering his majesty to serve into England their highnesses the electress dowager, and the electoral prince of Brandenburg." And likewise 2. "Reasons for attacking and attacking the pretended prince of Wales, and all others pretending any claim, right or title from the late king James and Queen Mary, with arguments for making a vigorous war against France." The passages were read to the house:

"It appears from history, that all free people have against the children of tyranny, for reasons of natural and universal force, as the having the principles and designs on their parents, having an affection to their friends, and owing a revenge to their country; as more likely to grasp at a greater power than even their parents, the better to secure themselves from their disgrace, and being under extraordinary obligations to their foreign potentates, who protected or rescued them."

"To say, whether signature be penal or voluntary, (for I cannot doubt of one or the other) I hope can will be taken that it is intended, as I said before, in all manner of persons, not accepting the king's majesty, or her royal highness the princess of Denmark. For all the societies engage to them, they owe this security to us. Not that I doubt either of these, from which I am the further of any man in the world; but they both of them very well know, what scores and scores out enemies have been actually spreading to amuse and seduce the people. They have whispered horrible things of blind and chaste and surprising; but Caesar's wife might be suspected, as well as innocent."

After a while, it was resolved and declared by the Lords upon roll and request in parliament assembled, That there were in this pamphlet assertions and insinuations, scandalous and dangerous, tending to shake the affection of the subjects of the Kingdom from her majesty and to disturb the peace and quiet of the Kingdom.

A Bill for the Union of the two Kingdoms. At the speech, as her first speech in the parliament, had proposed the motion made by the bill, for the Union of England and Wales

land, a bell was brought in for that purpose. Many of those, who seemed sure to lose the genuine sense of her favour and confidence, opened the bell with much awe, and not without reluctant reflections on the loose manner; yet it was carried by a great majority, that the queen should be empowered to raise sumptuousness by the wearing of an Union. It was so readily the manner of England, and of the present generation, to shut their eyes against the pictures of France, and the attempts of the peevish power of Wales, that the opposition to the first step towards an Union, and the indecent room with which Seymour and others around the table, were clear indications, that the party, they were brought into, had not changed their temper. But that, instead of being matters, they intended to create them further by reprehensible speciousity, the bell went through both houses, with clanking of the rough treatment it met with at first, and, on the side of King, secured the royal assent.

The Queen's Speech at the Close of the Session.] May 25. The queen came to the house of peers, and, after passing several bills, put an end to the session with the following Speech:

"My lords and gentlemen: I cannot conclude this session without repeating my hearty thanks to you all, for your great care of the public, and the many marks you have given of your duty and affection to me. And I must thank you, gentlemen of the house of commons, in particular, both for the supplies you have given to support me in this necessary war, and the provisions you have made for the defence intended in the former. Your great pains in making good those deficiencies will be a lasting honour and credit to the nation: I wish the deficiencies they have brought upon us, may be a warning to prevent such inconveniences for the future—I must recommend to you all, in your several counties, the preservation of the public peace, and a due execution of the laws.—I shall always wish that no difference of opinion among those that are equally affected by my service may be the occasion of heats and animosities among themselves. I shall be very careful to preserve and maintain the act of toleration, and to use the means of all my people in quiet, my own prayers most always keep me entirely firm for the interests and religion of the church of England, and will incline me to continue those who have the wisdom and to support a."

The *Parliamentary* proceeded.] And then the Lord-keeper, by her majesty's command, prorogued the parliament till the 7th day of July next.

Principal Occurrences during the Reign.—A set of Prayers in England and Holland—Dissensions in Ireland—Siege of Exeter—Arrival of a French fleet—Landing of the French.—The Fall of Marlborough etc. and to the end of the story.—People and Port St. M. etc.

probation.—The English Fleet sent to Cadix.—The Gallies taken and burnt at Vigo.—"The naval preparations in England and Holland," says Tiedel, "were now carried on with all possible speed; and, as they feared the speed of the confederates, so they gave no small alarm to France, Spain, and even Portugal; the design of the expedition having been kept so secret, that it was uncertain which of these three kingdoms was most threatened, France, having sent a strong squadron of men of war into the West-Indies, both to attack the English plantations, and to bring home the Spanish galleons, had no sufficient number of ships left to defend her own coasts, much less to protect those of Spain, whose help, in the beginning of the spring, was gone into Italy, both to oppose the invasions at the kingdom of Naples, and to share with the duke of Vendôme, the expected honour of forcing prince Eugene to retreat the mountains of Trent.

"And though the King of Portugal gave her words to the imperial ministers, and to Mr. Melville, the English envoy, yet he began to be apprehensive, that the allies, having a formidable power at sea, would use more pressing terms than a negotiation to make him break his late engagements with France. On the 30th of May, Mr. George Rooke, admiral of the English fleet, having hoisted the union flag on board the *Royal Sovereign*, came to Spithead with Mr. Cloudesly Shovel, on board the *Queen*, and the great ships that lay at the North. And, at the same time, rear-admiral Parkhurst arrived there from Ireland, with a squadron of men of war, having on board four regiments of foot, that were to be part of the land forces, to be commanded by the duke of Ormond, who, on the 1st of June, arrived at Portsmouth, accompanied by Mr. Henry Belmore, who was to serve under him, and by admiral Churchill; and, the next day, prince George of Hesse set out for that camp.

"The same day, the queen went from St. James's to Windsor, having appointed Simon Harcourt, esq. to be her Solicitor-General, and conferred the honour of knighthood both upon himself and Edward Northey, esq. the Attorney-General. The day before, out of a post regard to the law of nations, the queen, by proclamation, ordered all ships, stopped before the declaration of war, to be discharged, and passed another proclamation to be published, 'For the encouragement of her ships of war and privateers.' And at the same time her majesty received the commission for the management of the customs; and upon her return from Windsor, appointed the lord-treasurers, the commissioners of trade; for prizes, stamp, and salt-dues; and generals of her land-forces; gave audience to several foreign ministers, and disposed of many patents and monopolies; and, among the rest, the earl of Marlborough was made master of the ordnance, the hon. John Churchill, lieutenant-general, William Bridges, master paymaster, Christopher Mordaunt, clerk of the same; and Edward

Southwell was appointed secretary of state in Ireland, on the resignation of his father or Robert Southwell.

"The queen, pursuant to the power given her by acts of parliament of both kingdoms, appointed commissioners for treating about a Union between England and Scotland. The commissioners met, for the first time, on the 29th of October, at the Cock-pit, where, after reading both commissions, Lord-keeper Wright made a short speech on the occasion of their sitting, and was answered by the duke of Queensberry.

"As there was not a quorum of the Scots commissioners arrived in town, their sitting was adjourned, by a letter from the queen, to the 10th of November; but, about the 10th of the next month, they met again; and, notwithstanding some previous objections made by the Lord-Keeper to the validity of the Scots commission, they fully adjusted the preliminaries, of which the result was of some considerable nature. 'That nothing agreed on should be put themselves should be binding, except it be ratified by her majesty, and the respective parliaments of both nations; and that, except all the heads proposed for the treaty were agreed to, no particular thing agreed on should be binding.' The Lord-Keeper then proposed on the part of the English, 'That the two kingdoms should be inseparably united into one kingdom under her majesty and her heirs and successors, and under the same limitations, according to the acts of parliament.' And the duke of Queensberry proposed on the part of the Scots, 'That both nations should be united in one monarchy, and one parliament, with a mutual communication of rights and privileges.' The proposal of the English was readily agreed to; and the queen, in quick return, came on the 10th of December, and made a speech in them. The Scots commissioners had given in six proposals, on which some considerations, as a subject-matter of debate, were delivered by the English commissioners. But, when the commissioners gave in their proposals for preserving the rights and privileges of their country residing in France and the Indies, such difficulties arose, as put a stop to all further progress, and nothing more was done upon the commission, which was dissolved by the new Scottish parliament called by the queen, as well hereafter be seen.

"Ireland was now put under both parliaments, named by the earl of Rochester. The earl of Mount-Alexander, major-general Erie, and Thomas Knightly, were appointed lords-judges, in the room of the archbishop of Dublin and the earl of Drogheda, whom the king Rochester had left in the government of that kingdom. Meanwhile, the pretensions for the forfeited tenures continued still in their former authority.

"The last step of the war was to be made in the name of the elector Palatine, in the siege of Kinsalemore, which had been put into the hands of the French by the election of Co-

logne, and which, whilst in their hands, exposed both the circle of Westphalia and the dominions of the 'emperor, to their places on the Rhine, being in a good condition, lay open to the encirclement that garrison. The trenches had been opened before this town on the 11th of April, and the eve of the siege commenced to the praise of Heaven. Southwell (declared the emperor's standard de camp) under whose the Dutch served as auxiliaries to the emperor, the States not having declared war against France. Another army of the Dutch was turned under the earl of Athlone, and he in the duchy of Lorraine to cover the siege; and, third, commanded by general Cadogan, with two thousand, landed and disembarked the boat between the efforts of St. Donat and L-shells, which the enemy had been many months making with great labour and expense, and lost the greatest part of the 4000 men of Flanders under consideration. However, after these successes, upon the approach of the emperor de Bohem and the count de la Moine, with the French troops under their command, which were superior in number to him, Cadogan was forced to retire under the walls of Stays; but, to prevent the enemy's taking fort St. Donat, he sent his detachment under water, and forced the Spaniards to retire towards Colant.

"However on April the 26th, the besiegers carried their trenches within two hundred paces of the town, and had four batteries continually firing, with which they had made considerable breaches in the rampart, so that they intended to make an assault upon the citadel; for which purpose a good number of muskets and wheel-picks were prepared, it being thought, that by those proceedings the town would soon surrender. However, the considerations were very much mistaken in their calculations. For, the day they proposed to be executed at that place in three weeks, they found it held out near two months, and had like to have proved a bad beginning of a new war. For count Tallard, having posted himself with his flying camp, on the other side of the Rhine, fired from thence with so much success, that the besiegers, notwithstanding their intervals, were very much incommoded, and had, besides, the mortification to see the besieged succoured from that camp with troops, ammunition, and all necessary reinforcements, which, with the extensive ramp that covered the Rhine, to the great prejudice of the besiegers, occasioned the length of the siege. However, all this while the besiegers continued the work, and battered the outward fortification with forty eight great guns, and thirty mortars: so that it was almost resolved to submit, when they resolved to make a general attack on the counter-camp and works. This they executed with unparalleled bravery. The conflict was obstinate and bloody, the evening was to be seen for two hours, but flames and smoke did so length the besieged were constrained to get ground, and leave the besiegers masters both of the works and the circumstance, upon which

they immediately lodged themselves. The prince of Monaco, Scarrburgh performed prodigies of valour, giving his orders with great contempt of the danger, and admirable presence of mind; and all the other officers and soldiers followed themselves in that action beyond expectation. *Non nobis, sed patrie* was the confidence very dear; for they had no hundred and eighty were killed, and near thousand more wounded and was wounded in the action, but a heavy loss much weakened the garrison, that they were forced to capitulate, and obtained honourable terms. The French troops were treated according to agreement.

* On the 20th of June, M. de la Harpe, marshal de France, despatched from Xanten, and directed his march, without sound of trumpet or loss of drums, through the plains of Goch towards Meuse-Hyde, close by Namur, with a view to get between the confederate army and that city, and so to cut them off from their provisions, communication, and flanks. Upon the 24th of July, having early information of the enemy's march, and discovering their design, called a council of general officers, whom it was unanimously resolved, that the confederates should begin their march that evening. The baggage was accordingly sent to Namur, and, after several marches and equivoques, the 24th about break of day received particular intelligence of the strength of the enemy, and caused the country to be drawn up in order of battle to cover the march of the infantry. About eleven in the morning, the French horse advanced in great numbers, with the household-troops on their head, and pressed upon the rest, who behaved himself with great resolution. However, as the confederate squadrons were mixing, the French troops pushed them upon the town, and put the other battalions into confusion; but, by the conduct of the general officers, the enemy was soon repulsed. On the other side these happened an encounter between some of the squadrons of the French king's household, some Dutch squadrons, and some of the rest of Aldon's marchers, who so remarkably distinguished themselves on this occasion, that the French were repulsed, though with much slaughter on both sides. By this time the confederates were got under the cannon of Namur, which, some after, began to play upon the enemy, and the burghers signified themselves in that action in an extraordinary manner, for, though they had not a powder in the town, they managed their artillery with great success. The English, who had the honour to close the retreat, maintained their post in excellent order, being moved by the prince of Orange, who put a stop to the household-troops, which were advanced very near them, and preparing to charge them towards the end of their march. Twenty battalions of foot were posted in the suburbs of Namur, and the whole army was withdrawn at that night, as was directed by M. de la Harpe. The next morning a great body of French horse and foot advanced towards the

city, as if they intended to attack them; but that they did only to cover the march of their own army, which filed off towards Cleve, venting their rage at their disappointment upon the desolate country, which they raked and laid waste, destroying the park of Cleve, and all the churches, monasteries, and convents of that remaining place. This was mortal to the French disappointed in his design upon Namur, which, if taken, must have been followed with very fatal consequences, for the French would have penetrated into the very heart of the Dutch Province. It was but indifferently prevented for an attack, and the scheme was well laid against it, and wanted but little of being successfully executed, the enemy making but half an hour of arriving in the suburbs before the confederates. The earl of Athlone's conduct on this occasion raised his credit, as much as it could mortify Bonville, who, though he had a superior army, assisted by the presence of so great a prince as the duke of Burgundy, was able to do nothing, but was unsuccessful in every thing that he designed; and his partners, that at any time were engaged with those of the rest, were defeated in almost every action.

* The unsuccessful attempt upon Namur, and the reduction of Huy, were not the only mortifications which the French suffered; for, their army in Germany being but weak, and drawing together but slowly under the command of marshal de Camille, the Germans had an opportunity of laying siege to Landau. This strong and important place was invested on the 10th of June, M. S. by prince Lewis of Baden, who spent the rest of the month in raising batteries, and making his approaches, and, on the 25th of July, the king of the Romans arrived in the confederate camp, in order to have the honour of taking the city. However was so large, and his equipment so splendid, that the expense of riging all the emperor's affairs in great disorder, the most necessary things being neglected, while a useless piece of pomp continued in great a part of the treasure. The siege was stopped for some weeks for want of ammunition; but at last the cannon was taken by storm on the 26th of September, and, on the 15th, the city surrendered.

* This was the state of the campaign, before the earl of Marlborough left England, from whence he set out on the 10th of May, and, upon his arrival at the Hague, having the character of commander as well as captain-general, he had several conferences with the States, in which he gave them all possible assurances of the queen's affection and resolution to support them in all emergencies. The earl of Athlone was set on by the other Dutch generals, to meet on his quality of vice-marshal, and to have the command with the earl of Marlborough by turns. But, though he was now in high reputation by his late conduct, the States obliged him to yield the point to the earl of Marlborough, whom they declared generalissimo of all their forces, and sent orders

to all these generals and other officers to obey him. The earl, on his part, made no modest and becoming use of the power put into his hands, as soon gained him the hearts of all the general officers under him; and, in the end of Athlone in particular, he behaved in an obliging manner, that the command seemed to be equal between them.

All things being now regulated with the departure of the *Marine*, the earl left the *Marine* on the 20th of June, N. S. and went to Brinsford, from whence he was what detachments could be spared from that place and other garrisons, to the camp at Nantoguen. He followed either branch on the 1st of July, when, the next day, the earl of Athlone, lieutenant-general Dopey, and the other general officers, made him a visit; and, in an interview with them, he gave the necessary orders for drawing the army together. Nineteen battalions of the troops, which had been employed at the siege of Kinsale, the corps of Horse and Lanesburgh, the English forces from Brinsford under major-general Lusley, and other troops, having joined the army, a camp was formed at Dockinaberg and Bodewick, consisting of seventy six battalions of foot, and one hundred and twenty squadrons of horse and dragoons, amounting together to about sixty thousand men, with sixty-two cannon, eight mortars and howitzers, and four and twenty petards. Thence the earl went likewise, and, on the 25th, called a council of war of all the general officers, to concert the further operations of the campaign.

The earl of Athlone was always inclined to caution and war, but would listen, however; but the earl of Marlborough, when the army was then brought together, looking his force superior to the duke of Burgundy, on the 10th passed the *Marne*, and encamped at Over-Auck near Ome, within two leagues and a half of the enemy, who had pitched themselves between Goch and Guesnop. On the 10th, the confederate air army appeared the *Marne* below the Guesnop, and on the 11th, encamped at Gelder, upon which notice the French passed the same river about Yeule. Two days after, the allies moved from Gelder to Grevendrecht, where finding a French garrison in the castle, seized it in a surprise, and surrounded by a double ditch and good palisades, a detachment, under the command of the lord Cutts, bravely attacked it, and, with the assistance of four cannon and two howitzers, after a short resistance obliged the garrison, consisting of a captain and no hundred men, to surrender at discretion. The same day, the British artillery arrived in the camp from Holland, and the convey of two English regiments of horse and two of foot, which had left England in the beginning of June. On the 12th of August, N. S. they advanced to Fort Brugel, following the French, who retreated as they advanced, so close, that they were obliged to abandon the Spanish Guelderland, which was left to the discretion of the confederates. The earl of

Marlborough was for venturing upon a desperate action, for which end, the whole army was ordered on three marches the next morning early. But the Dutch were slow to get things in such an order, and would not consent to it. Monsieur Fagel, and those who had the management of affairs at the Hague, proceeded with the same caution, because, upon the king's death, those, who had always opposed him, began to form parties in several of the towns, and were designing a change in government; so that any public misfortune, in this conjuncture, would have given great advantage to those, who lay upon the watch for them. The necessity was more particularly aimed at; and that made him the more unwilling to run any risque. Those, who proceeded to his judges, thought, that, if the earl of Marlborough's advice had been followed, matters might have been brought to a happy decision; and the other, who afterwards appeared, that the French army was not above half way to their camp, greatly fatigued by an almost continual march of two days and two nights, and in the greatest consternation. But, as the earl was prudent in his conduct of the army, so was he careful not to take too much upon himself.

The duke of Burgundy, finding himself obliged to retreat in the confederate army advanced, thought that was not suitable to his dignity; and therefore left marshal Rodillon to command, making his first campaign very ingloriously; and it appears, that the French king was dissatisfied with the conduct of the marshal, for he never after exposed any confidence in him.

The Dutch, who were so lately in the deepest consternation upon the retreat of their army under the command of Nantoguen, before the earl of Marlborough's arrival, had now the pleasure to see the French fly in their rear; and that was the United Provinces preserved by the earl's prudence and vigilance, while the duke of Burgundy, who came to the army to be taught how to fight, learned nothing but how it could be evaded.

The earl of Marlborough went on, taking several places, which made him or so many more; and finding at length, that the French were not to be brought to an engagement on equal terms, and the departure of the States-general, who followed the army, having represented to him, that it was much more for the advantage of Holland to dispossess the enemy of the places they held in the Spanish Guelderland, whereby the free navigation of the *Marne* was interrupted, and the important town of Maestricht a narrow block up, he then fore disposed all things for the siege of Veule. In the mean time, general Schulin was ordered to collect the towns and castles of Warin, which capitulated after a short resistance.

On the 5th of September, the trenches were opened on both sides the *Marne*, and the castle of Yeule surrendered on the 11th of the next month, after fort St. Michael had been stormed, and taken by the English under the command

ambassador, he judged to be no Portuguese, he considered him as French, which the other, who proved to be the French consul, receiving as a very obliging reception, invited him to his house. Mr. Boscawen, extremely willing to embrace this offer, accompanied during two evenings during which, pursued, in their several conversations, could go further to boast of the master's strength as yet, and at last gave some hints of the conduct of the gallies on that coast. On the 24th, Mr. Boscawen being unable to embark, and understanding that a gentleman was arrived in that town bound for the fleet, with letters to the prince of Hesse and Mr. Metheux (who were to go from the fleet to Lisbon some time later) he invited him to go aboard the *Penelope*, without taking the least notice of their departure. The gentleman having gladly accepted this invitation, and told him just as they were leaving the shore, that M. Chapuis-Bonach was arrived at Vigo with thirty men of war, and twenty-one galleons, and that he was sent by the imperial minister to the grand fleet, they went together on board the *Penelope*, where captain Hardy, her commander, being informed, as well by Mr. Boscawen of what he had gathered from the French consul, as by the other gentleman, concerning what he knew of the matter, he set out the next morning in quest of the grand fleet, which at last he met with on the 24th of October. Having imparted his intelligence to the English admiral, sir George Cockburn, the issue is the Dutch; and it was resolved to attempt the destroying of the French and Spanish ships at Vigo. Accordingly, the fleet came to an anchor on the 25th, against their place, almost surrounded by the enemy, by means of the large number; and, finding that the French and Spanish ships were carried up beyond a narrow strait, defended by a castle, broader a strong town about it, made with masonry, masonry, and cannon, it was resolved at a council of war, that, since the whole fleet could not safely go up to the place, where the enemy's ships lay, a detachment of 15 English and 20 Dutch men of war, with all the fire-ships, frigates, and bomb-vessels, should go upon that service, with all the flag-officers aboard them, whilst part of the land-forces were to make a diversion, and to attack the fort on the south side of Radeirode, a small fishing-town.

" Pursuant to that resolution, the duke of Cumberland, having, on the 23rd of October, landed 1800 men two leagues from Vigo on the north side of the river, without the least opposition, he ordered the grenadiers in advance to the fort, in the entrance of the harbour, which they did with much cheerfulness and resolution, that having made themselves masters of a platform of thirty-eight pieces of cannon, they pursued the Dutch to the very gates of the castle or stone tower, and attacked them so vigorously, that M. Foxel, their commander, despairing of holding the place, attempted to fight his way through the English sword to land. But no sooner had they opened the gates, than the pre-

ludious rushing in made themselves masters of the castle, and took 300 French men and 200 Spanish prisoners. Whilst these things were transacting ashore, the squadron designed for the expedition advanced bravely towards the town, and, after a battle gave it a calm, they entered the town, at the living, and, carried the enemy's flag, through the town, where he received several broad sides from the Dutch and English frigates, two French men of war placed within the town. The rest of vice-admiral Hapson's division, and that of the French vice-admiral Vandergure, bearing at the same time upon the bottom, were discomfited, and consequently struck, so that they were forced to cut their way through it, except their admiral, who by the same passage by which vice-admiral Hapson had entered before. Hapson, on the same day, being boarded by a fire ship, which in great danger of being burnt, had not the vessel been blown up too soon; notwithstanding which, he received considerable damage in his rigging, and many of his men, during the first encounter, threw themselves aboard, as hopes to save themselves, but were most of them drowned, whilst the rest behaved so well as to preserve the ship. The French admiral seeing the boats cut to pieces, the platform and castle in the enemy's hands, the Dutch taken, and the whole confederate squadron ready to fall in among them, ordered his own ship to be set on fire; and his example being followed by all the rest, afforded a most dreadful spectacle to the Spaniards as well as to the French. Whilst they were discomfited in the destruction of their own fleet, the English were in order in preserving it, not without some success; several, as well of the men of war as of the gallies, being taken, four by the English, and five by the Dutch; but the rest were burnt, with seven French men of war. What made this victory the more considerable, was its being gained with unconsiderable loss; there being not above forty men killed, and one wounded, of the landmen in this action, and very few of the seamen, except those that were drowned of vice-admiral Hapson's ship. As to the cargo aboard the fleet, which was computed at twenty millions of pieces of eight in gold and silver, besides merchandise, about thirteen millions of a more value not before by the enemy; the rest was either taken by the English or Dutch, or left in the gallies, that were sunk or burnt. The goods were valued at twenty millions of pieces of eight more, of which one fourth part only was saved by the enemy, whereas the rest was destroyed, and the rest taken by the confederates, besides great quantities of plate, and other valuable commodities, intended for the use of private persons in the gallies, and a great deal of other plate belonging to the French officers found at Radeirode, of which the duke of Cumberland took possession the next morning, and in which much other plunder was found. The French women and soldiers escaped, for the English, having no boats, could not pursue them. The Spaniards ap-

gained a small distance in a given time, but they did not suffer to enter into any treaty with the duke of Ormond. And it appeared that the resentment of that great nation, which was now purified by French conquests, was so high, that they could not put themselves in such a danger, or to any trouble, even to save their own lives, when it was in such hands.

"After this great success, it came under consideration, whether it was not advisable to leave a good squadron of ships with the land forces, to winter at Vigo, since the neighbourhood of Portugal could supply them with provisions and all other necessaries, and this might encourage that king to declare himself, when there was such a force and fleet lying so near him; and it might likewise encourage such Spaniards as favoured the emperor, to declare themselves, when they saw a safe place of retreat, and a force to protect them. Upon these considerations, the duke of Ormond offered to stay, if Mr George Rooke would live accordingly; but he refused it, alleging, that he had just been the witness with the allies, and therefore could not spare what was necessary for such a doubtful stay there. And asked he had so ordered the money, that he could not stay long enough to try whether they could raise and furnish the men of war and galleons that were sunk, and be was obliged to make all possible haste home, for, if the wind had turned to the east, which was usual in that season, a great part of the ships were must have perished with hunger.

"On the 16th of October, Mr Charles Shovel having joined the confederate fleet with twenty-two sail, the land forces re-embarked the next day; and, on the 28th, Mr George Rooke and vice-admiral Hupson, with the rest of the fleet, set sail for England, leaving Mr Charles Shovel with the rest near Vigo, to destroy the enemy's ships that were in the bay, which being effected, he also set sail for Europe, where the fleet arrived (after being supported by a vessel at the entrance of the channel) on the 11th of November. Two days before, Mr George Rooke, with his squadron, came into the Biscay, and the same day, at four in the afternoon, the duke of Ormond landed at Deal, and having given the necessary orders for the landing and quartering the troops, went that night to Sleepy Chury, and arrived at London the next day, being received with great marks of honour by the queen, and with the loud acclamations of the people; the success at Vigo, having gained the crown about the middle of the year before. The queen gave Mr Rooke a noble gratuity for the good success; and Mr Henry Shultz, who were sent to report to the general and admiral with the first account of these prosperous attempts, and the capture, besides a grant of a thousand pounds, had the honour of knighthood. On the other hand, Mr Henry Bellamy and Mr Charles O'Hara were, by her majesty's orders, put under arrest, for having for their example, promoted and encouraged the plundering of Port St. Mary's; but, upon the report of the generals appointed

to examine into that matter, Bellamy only was found guilty, and discharged from her majesty's service, and Mr Charles O'Hara was cleared, and his suspension taken off. A proclamation was also issued not, some time before, for discovery and recovery of all such goods, plate, and other effects, as, contrary to her majesty and the duke of Ormond's express commands, were plundered or embarked at Port St. Mary's, and from the galleons taken at Vigo, and put on board her majesty's men of war, and other vessels. But this proclamation had little or no effect, so that the public was not much enriched by this extraordinary capture, though the loss which the enemy sustained by a small navy, was to complete the ruin of the Spanish navigation, their king seated on the place, which was taken out of the ships upon their first arrival at Vigo.

"Thus ended the campaign very happily for the allies, and most gloriously for the queen; whose first year, being such a constant source of success, gave a hopeful promise of what might be hereafter expected."

The Parliament dissolved and a new one called. The parliament of England was in course to dissolve some months after the death of the late king; but, before that time expired, the queen thought fit to convene her royal parliament, and to move on a proclamation, on the 2nd of July, for dissolving this present parliament, and declaring the next following parliament to be holden at Westminster, the 5th of August next, but afterwards prorogued to the 5th of October, and at last, to the 23d of that month.

FIRST SESSION OF THE FIRST PARLIAMENT OF QUEEN ANNE.

List of the House of Commons. October 28, 1702. This day, the "New Parliament" met. The following is a List of the Members of the House of Commons.

A List of the House of Commons, on the First Parliament summoned by Queen Anne, October 28, 1702.

<i>Representative</i>	<i>Electoral Town,</i>
Lord Essex,	William Symonds.
Mr William Chetwode.	Edward Dutton.

"The Queen did not openly interpose in the Dispute, but her inclinations to the Tories appearing plainly, all people took notice thereof; but she wished they might be the majority! This wrought on the uncertainty and variety that is natural to mankind, and the queen which had been advised and propagated with much industry, that the Whigs had chosen the nation with great truth, of which a large share had been discovered by themselves, had so far moved the truth, that the Tories in the House of Commons were at least double the number of the Whigs. They met full of fury against the memory of the late king, and against those parties had been employed by him." Burnet

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order, Treaties and Engagements, already made, and such others as may be necessary for the encouragement of our allies, and the prosecution of the war, where it shall most steadily affect our interests, and be most effectual for discommodating the baseless ambition of France.—And that my subjects may be the more cheerfully and with confidence, follow you as they follow the commands of all the public Princes and Potentates, as, if this have been my Answer to their request, I hope you will direct me.—But this, as it may be put off, and cannot be delayed by such examples from the other princes—I am at liberty to you, with some concern, that the funds given by the last parliament have, in some measure, fallen short of the sum proposed to be raised by them:—not though I have already paid, and applied to the public service, the 500,000*l.* which I proposed to the last parliament, yet it does not appear that this was so.

My Lords and Gentlemen: I cannot, without much trouble, take leave to you of the disapprobation we have had at Cadix. I have not yet had a particular account of that enterprise, nor of all the difficulties our forces may have met with there, and I have had such a representation at Gibraltar and Alcazar committed to Port. St. Mores's, as hath obliged me to give directions for the strictest examination of the matter—and am exceedingly desirous, for all our sakes, that this may prove a short mission:—however, I hope you will find time to consider of some better and more practical method to prevent the repetition of it. And, to improve the manufacture, which is of great consequence to the whole Kingdom, on my part, nothing shall be omitted for its encouragement.—I am fully persuaded, that the love and good affection of my subjects is the surest pledge in their duty and obedience, and the true and potent support of the throne. And as I am resolved to defend and maintain the Church as by law established, and to protect you in the full enjoyment of all your rights and liberties: so I rely upon your care of me. My requests and yours are inseparable, and my endeavours shall never be wanting, to make you all safe and happy."

The Lords' Address follows:—The Lords presented her majesty with the following Address:

"We, your majesty's most dutiful and loyal subjects, the Lords of Great Brit. and Ireland in parliament assembled, do, with all dutiful acknowledgments, return y^r majesty our most humble thanks, for your gracious speech in both houses of parliament, and take leave, on this occasion, to congratulate the progress and growing power with which it has pleased God to bless your majesty's arms, in conjunction with our allies, on the conquest of the east of Malabar, and on also for the other successes at your majesty's arms in Germany and Italy, and still prosperously rendering the trade of the East India Company, which we all acknowledge is chiefly owing to your majesty's great wisdom

and conduct. We humbly take leave to assure your majesty, that we shall always be ready to assist you, to our utmost, in the prosecution of this just and necessary war.—We likewise assure your majesty our most humble thanks, for the resolution you are pleased to express, to maintain and defend the Church as by law established, and to protect us in the full enjoyment of our rights and liberties. And we, for our part, promise to assist your majesty, that as shall be ready, on all occasions, to support and defend your royal person and government, with all possible zeal and duty."

The Queen's Answer:—Her majesty gave the Answer.

"My Lords, Your Address is very acceptable to me; I thank you kindly for your congratulations, and I hope you will have frequent occasions of renewing them."

The Commons' Address:—The Commons agreed upon the following Address:

"Most gracious saviour; We, your majesty's most dutiful and loyal subjects, the commons in parliament assembled, do beg leave to lay before your majesty our most humble and hearty thanks, for your most gracious speech from the throne, which gives us such instances of your majesty's tender concern for your people, and of your entire confidence in their affections, as most engage them to make your majesty the steady receiver of duty and gratitude.—It is great commendation in your majesty, to take notice, in so public a manner, of the expressions of joy and satisfaction, with which your majesty was received in all the countries, through which you had occasion lately to pass:—all your subjects have already received so many benefits under the influence of your majesty's happy government, that your majesty must have met with the like in any other part of your dominions, that you had been met with your royal presence.—The late disappointment at Cadix does the more affect us, because it gives your majesty so much trouble, but this unfortunate notice makes us forget that the protection and security of our trade, the vigorous support of your majesty's arms, and the wonderful progress of your majesty's arms, under the conduct of the earl of Malborough, have already retrieved" the air

"The word 'retrieved,' in the Address, implying, that the honour of the nation had been lost, occasioned a warm debate. All who had a just regard for King William, insisted upon the word 'restored' instead of it, acknowledging, that 'retrieved' was a reflection on the late King's memory, who, instead of being, had earned the honour of the nation: farther than had been done in any reign before him: that he had designed and formed that great confederacy, at the head of which King William was now set. In opposition to it, it

Prebendary, presented a Complaint against the bishop, and Mr Lloyd his son, against the following lands

I. " His grace after the last petition sent me, the bishop of Worcester, did cause me to attend to sit to hear from standing by the church against for that cause, and so the same was done if I would not do so, he should think himself obliged to speak against me to his clergy.

II. " His grace did cause himself, and his secretary and others to attend at his clergy, with divers other sorts of persons, they would against me, in their several dependencies, and when they could not attend, and such as would singly be sent to the last church, to give words for and to back the other contributions, they should desire them to stay at home, and in order to this, he had by sent them copies of the writs of their respective parishes.

III. " He appeared me to his clergy, binding me and my successors with several oaths, and at his conference and relations selected his clergy to vote with or, representing themselves with to write parlements, and threatening them with his displeasure, if they did not vote against me.

IV. " He appeared me and my successors to several of the lay, who were laymen, and threatened them, that if they would not vote against me, they should never receive my curate under law, and that he would set such seals upon them, that his successors should not suffer them nor their children to receive any cure.

V. " Mr Lloyd, the bishop's son, appeared me, and gave a scurrilous character of me to several parishes, whom he selected to vote against me, and told them I was not belonging to a lawful government.

VI. " The bishop's secretary appeared me to several parishes to be the answer, representing me, to send word to the House, threatening them with the bishop's displeasure, and such they might as well vote for the prince at Wales as for me.

All these Parishes were supported by Evidence, to the bar of the House, and by the following Letters under the bishop's own hand.

" Sir, Hertford, July 29, 1707.

" I think I have more reason to hope for some thing of consideration from you than from all others of the clergy of this diocese, and nothing else more from the freeholders in your parish, than in most other parts of the county; and therefore I thought I had reason to take it ill on some neighbours, that they should give their voice as they did, for the abuse of Mr John Packington to be knight of the shire, who, as well as that very election, he has polluted with himself, full of heresies, and himself, and several others of the same sort, but had never got him for knight of the shire. This proved too much, but yet I was unwilling to stir it up, in believing that the rights of mine were to their own, and that the law would not give

more was taken by Mr John's agents, and pulled them all over your neighbourhood. But now, since I understand there is a third libel come abroad, which is written against me in particular. The wickedness of it is not only an appearing at John Packington's church, who is, after my coming into the country, and the libels published among my tenants by his agents, I want him would I thought would obliged to do, unless he would be pleased to draw from standing, as I formerly desired him to do during this time. But that other hath feared, that I was the writer of a paper half-bred, called 'The Character of a Churchman,' and that this was written against Mr John Packington for hindering his election, and for that he was an enemy to the church, with such a tongue, as that St. James describes. For that 'Character' of a Churchman, I do declare to you is the presence of God, that I neither was nor knew the author of it, but I thought it fit, that Mr John Packington should not see me moved on it, nor had I at the time when that was printed any breach with Mr John Packington, nor seemed to do that with respect to the election, for it was printed before I came to London, and that was before the dissolution of the former parliament, which I had foreseen, I had certainly stood longer in the country. After all this, it is true that I sent a great number of these libels into the country, as I did of such other and that upon several occasions. They were sent chiefly on the account of our unhappy difference in conscience, and for preventing the more peace design of ministers. On this last account it was that I sent this 'Character of a Churchman,' without making any reflection upon any particular person. I did indeed know, that the devil would be used as me for it, and now I have found the effects of his wrath. He hath set a snare to me to write against me, which I think that is the worst he can do. The second I have given you of the third libel, it hopes it may have some effect upon you and your neighbour Mr Hodge, to whom I desire you to show when I have written. I hope you will both be a comfort, whether any such promise as that you have made to that gentleman, to make him your representative in parliament, can oblige you to say thing else but repentance of your having made such a promise, and to bring forth some more for repentance. For my part, I leave that upon your souls, drawing you both to do in this matter as you think you can best answer it to God at the great day, which I doubt not you believe, and expect as well as I. I pray God direct you. I am, your faithful friend and servant,

W. WOODWARD.

" Sir, July 27, 1708.

" You cannot but have heard, and probably have read how the bishops of the church in general, and a good number in particular, have been abused with impudent lies in two libels that were published by Mr John Packington

against a new election, in order to let his election stand, that told I had not given him the least probability, and for the other about bishops, upon these knew his face. Since that time, looking at my return from London, where I was all the while, he was looking me in the company, that he had published these libels, some of them with his own hands, and the rest by his agents, I could not but think myself obliged by all honest ways to oppose his election, if he would stand; which I went to him 3 times to let him know, and to desire he would forbear.—Although there came out a third libel against me, which I have only seen, but could not get a copy of it. I never saw any thing more with such a horrid rage of malice, and swelling, and lying, which I think God, and the rest on earth, will all do him to raise, if I may so call it, a promoting his election, which I think would be the greatest hurt that could happen to him.—It is for the preventing of this that I write to my friends, earnestly to desire them to get what votes they can for Mr Bromley and Mr Walsh, and to keep away as much as they can of them that will vote for Mr John Pakington.—Your disposition in this matter will lay as my great obligation upon me,

Your faithful friend, and Debtor,
W^m Worcester.

Upon a full hearing of the whole matter, the house came to the following Resolution

Resolved, now read. That Sir John Pakington has by Evidence fully made out the charge which is exhibited against the said bishop of Worcester

Resolved, now read. That Sir John Pakington has by Evidence fully made out the charge against Mr Lloyd, the said said bishop's son

Resolved, That it appears to this house, that the proceedings of William lord bishop of Worcester, his son, and his agents, in order to the hindring the election of a member for the county of Worcester, has been malicious, wickedness, and arbitrary, in high violation of the Liberties and Privileges of the Commons of England

Resolved, That an humble Address be presented to her Majesty, that she will be graciously pleased to remove William lord bishop of Worcester from being Lord Almoner to her Majesty

Ordered, That the said Resolutions, and Address, be presented to her Majesty by such members of the house as are of her Majesty's honorable privy-council: That the further consideration of the matter relating to the lord bishop of Worcester, be adjourned till the day next ensuing, To wit Mr Attorney-General do present Mr Lloyd, the lord bishop of Worcester's son, for the said offences, after his privilege as a member of the lower house of parliament is out.

Now To Mr Comptroller reported to the house, that these Resolutions and Address to her Majesty for the removing William lord

bishop of Worcester, from being Lord Almoner to her Majesty, had been presented to her Majesty, and that her Majesty was pleased to give the most gracious Answer:

"I am very sorry that there is occasion for this Address against the bishop of Worcester. I shall order and desire, that he shall no longer continue to supply the place of Almoner, but I will put matter to his room to put him that office."

Resolved, That the most humble Thanks of this house be returned to her Majesty, for her Majesty's most gracious Answer to this Address relating to William lord bishop of Worcester

Ordered, That Mr Comptroller of her Majesty's household, do return the said most humble thanks of this house to her Majesty.

Now To The Speaker reported to the house, that there had been with him that morning, the prelates of the lower house of convocation, and also the dean of Christ Church, rich-deacon Orley, and Mr Moore, and had brought him the following order

Now, by Ordered, "That the prelates, the dean of Canterbury, rich-deacon Orley, and Mr Moore, do attend Mr Speaker of the honorable house of Commons, and return our most humble thanks to him, and to that honorable house, for the great favour to the Church and Convocation, which they had on all occasions been pleased to express, and particularly for that late regard which they at them shew, without any view, or respect need to have to the privilege of this house, in the case of one of our members, who had the misfortune to fall under their displeasure."

Upon this, the house passed a Resolution, That they would upon all occasions, assert the just rights of the Lower House of Convocation

The Lords, attended at their proceedings at the Commons, upon a member of their house, agreed upon the following Address to the queen, "That it was the undoubted right of every lord of parliament; and of every subject of England, to have an opportunity of making his defence, before he was a party of punishment, and therefore humbly shew her Majesty, that she would be pleased not to remove the lord bishop of Worcester from the place of Lord Almoner, nor to show any mark of her displeasure towards him, till he is found guilty of some crime by due course of law." The Address being presented to the queen, she returned answer, "That she agreed, that every peer and lord of parliament, as well indeed every other person, ought to have an opportunity of being heard in any matters disputed against him, before he be punished." That she had not yet received any complaint of the bishop of Worcester, but she looked upon it as her undoubted right to remove or displace any servant attending upon her own person, when she should think it proper." The Lords, upon this Answer, resolved the same day unanimously, "That no lord of their house ought to suffer any sort of punishment by any

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The 1980s saw a continuation of the trend towards a more
 structured approach to the management of the company, with a
 focus on the development of the company's infrastructure and the
 implementation of a more formalized system of control. This was
 achieved through the introduction of a new management system,
 which was designed to ensure that the company's resources were
 used in the most efficient manner possible. The new system was
 based on the principles of the 'Total Quality Management' (TQM)
 approach, which emphasizes the importance of quality control and
 the need for continuous improvement. The implementation of this
 system was a major achievement for the company, and it has since
 become a key factor in its success.

father, respondent had the same concerns with already ill and dead, or soon to be interred, during the parental crisis. However, respondent proposed to distribute, within some 10 days, a 100-ounce (3-liter) bottle of water to all before, and after, the funeral service. In doing so, respondent planned to honor, implement, and maintain the use of the package the previous day, before respondent had been notified.

The David H. Burton Center for the Study of the American West is a research center at the University of Colorado at Boulder. It is a part of the Center for the Study of the American West, which is a part of the Center for the Study of the American West.

[illegible]

muscular persons slowly return with, and to
the right. I cannot have noticed

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Proposition 10.1. Let the exact sequence (10.1) be exact, and let the map α be an isomorphism. Then the map β is an isomorphism if and only if the map γ is an isomorphism.

[illegible]

11. The following are the hypotheses:
(Hypothesis 1)
a. If the dependent variable is the degree, the regression equation will be $y = 0.0001x + 0.0000$ and will explain 0.0000% of the variance in the dependent variable.
b. If the dependent variable is the degree, the regression equation will be $y = 0.0001x + 0.0000$ and will explain 0.0000% of the variance in the dependent variable.
c. If the dependent variable is the degree, the regression equation will be $y = 0.0001x + 0.0000$ and will explain 0.0000% of the variance in the dependent variable.

It is important to note that the results of the regression analysis are not statistically significant for the first two models. This is due to the fact that the number of observations is small (n = 10) and the number of variables is large (k = 10). The third model, however, is statistically significant at the 5% level.

These measures also have the potential to increase the number of people who are able to work, and to reduce the number of people who are unemployed.

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100, Bedford St., Somerville, Portland, Mass.
Charles W. Johnson, Jr., Litch. and Oliver Co.
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 91

The dataset from the clinics relating to the

2. **1.** Because the mud grunts are not fed before the larvae (much delayed), by which we are ignorant upon what considerations the larvae are raised.

[illegible]

The Queen's Youngest relative, the Earl of Arundel, (aged 12, the youngest son of the Duke) is also bound to the service of the Queen. As well for the same reason.

— **Yves R.** The end of Marlborough's was a political step, and as the public, here in 1900, knows the contentment of the war, the having established an entire army and good correspondence between the army and the General, that the king is going to grant the title of a duke and a dukedom and to the duke, which

ably, and the purchase of \$2000 per month, to the measure of the Post Office, the amount of this honor, during her long and successful life. If it had been in her power to pay, she would have granted the same to the person in the library and to the shop you will think it as reasonable, in the same, to find some proper methods for doing it.

The Cuckoo, after the ending of the incubation, appeared for some time to be innocuous, and lay along side, that it was only the "spook" or wind-up, and looked around, so as it might would speak to it. And at length it broke—having broken the ice, the defile was very high on the cuckoo, and now it was clear, a woman there gasped, that an of course he should say, "I have thought he had been of an employment at court, yet, he is a whole of the danger it is his mouth should be in a state that he, when any thing would be in the thought, down, and so he, conversely.

[Common Address: Thomas] The 21
of length has weighed the paper
of a distance of a distance with the first

[illegible]

page, presented the following definition to be modified:

Most gracious sovereigns : We your majesty's most dutiful and loyal subjects the Commons in parliament assembled, humbly beg leave to declare our unanimous satisfaction in the justice and your majesty has been pleased to execute in the various services performed by the said commissioners, who for our duty, by the consent of the crown, attended the various honourable assembly of the English nation, but by his excellency established an entire confidence and good correspondence between your majesty and the crown—General, and through which saved the gentlemen of England, who look to the rule practices in designing men, been educated, and industriously represented as false to your majesty—also, because they were true to the interest of their country—it is in their inexpressible power, that your majesty's most dutiful commons had our satisfaction, where they are unable to comply with—but your majesty proper to them, but they beg leave humbly to his father your majesty the apprehensions they feared asking a precedent for the future continuance of the Revenue of the crown, which has been so much reduced by the exorbitant price of the last reign, as it which has become badly settled and assured by your majesty's unparalleled grace and goodness—There are entirely pleased to observe by your majesty's late gracious acceptance of the date of Marlborough's services, that the only way to obtain your majesty's favour, is to deserve well from the public; and we beg leave to assure your majesty, that whenever you shall think it to reward such merit, it will be to the entire satisfaction of your people."

The Queen's dinner.] To which her majesty returned the following answer:

" I shall always thank myself much concerned
concerned those who deserve well of me, and
of the public. On this score too, I bestowed
some hours on the Duke of Marlborough, and
I thought it well you think they are well
spent."

[illegible]

As the speaker of remarks on the pleasure a ribbon took, we had all good friends to be of fested at the suppers thrown upon the wings of long's dream. If there were more Grants in his time than before, there were more persons who directed them, and so no good thing is to be gained. What it cannot be said the one moral from the Restoration to the Abolition, did decrease the great of a Nation for his service, to his country, as it could of the President to get a, the Island in 1861. (Quoted)

TOLERATION ACT BETWEEN THE TWO HOUSES (RELATIVE TO THE BILL FOR PROMOTING OCCASIONAL CONFORMITY.) There had been a Bill brought in early this session by the Com-

* " When these matters were settled, a Bill was brought in by the Tories, against Occasional Conformity, which produced great and long debates: by the 18th of March it was read the second time, and (which by the act passed in the year 1672, was made necessary to those, who held offices of trust, or were members in corporations, but was only to be taken notice by them) and did after that, go to the committee of debates, at any meeting, for a longer or shorter time, was not according to the liturgy or practice of the church of England, where a person was present, more than six months, were disabled from holding their employments, and were to be fined in 100*l.*, and in 5*l.* a day for every day, which they continued to act in their employments, after their having been at any such meeting. They were also made incapable to hold any other employment, till after one whole year's conformity to the church, which was to be proved in the quarter session: upon a repeal of this penalty and the time of incapacity were doubled: an extensive effort was put in the bill, not of this way, in which the offence was to be proved, but wherein, the act of the last act included the negation in corporations, all the inferior officers or persons in corporations, who were found to have some interest in the churches, were now comprehended within the bill. The principle of the bill asserted the Toleration, and condemned all persecutions for conscience sake, as a high crime. Some thought the bill was of no consequence, and that, if it should pass into a law, it would be of no effect, but that the Occasional Conformity would become constant use. Others thought, that the measure was breaking in upon us. To remove, as would undermine it, and that it would have a great effect on corporations, in which the most of it was believed to be, the modelling schools, and by consequence of the House of Commons.

" On behalf of the bill, it was said, the design of the last act was, that all in which should continue in the communion of the church; that coming only once to the sacrament for an office, and going afterwards to the communion of dissenters, was both an eluding the intent of the law and a profanation of the sacrament, which gave great scandal, and was abhorred by the better sort of dissenters. Those who were against the bill, said, the nation had been quiet ever since the Toleration, the dissenters had lost more ground and strength by it, than the church, the nation was now engaged in a great war; it seemed therefore unreasonable, to raise animosities at home, in matters of religion, at such a time, and to encourage a tribe of reformers, who were the same sort of men. The dissenters were numerous, higher than any but the Papists by law; and since no limitation of time, nor recurrence of persons, was pro-

vided for in the bill, there would be far more exposed to the notice of a hard master, or wicked servant. It was moved, that since the greatest danger of all was from dissenters and papists, that all such as received the sacrament for an office, should be obliged to receive it three times a year, which all were by law required to do, and to keep to their parish church, at least one Sunday a month, but this was not advanced. All, who pleaded for the bill, did so words declare for the continuance of the Toleration, not the sharpness, with which they treated the dissenters as all their speaking, showed as if they designed their extinction. The bill was carried in the House of Commons, by a great majority. The debates held here in the House of Lords. Many were against it, because of the high penalties. Some remem-

bered the practice of dissenters, in the end of King Charles's reign, and would not consent to the restoring such inflexible methods. All believed, that the chief design of the bill was, to punish corporations, and to cast out of them all those, who would not vote in elections for Tories; The Toleration it was widely used as, and that was only a step to level in upon it. Some thought, the design went yet further, to raise civil quarrels and dissensions among us, as would be inferred as at home, that our allies might see, they could not depend upon us, and that we, being weakened by the disorders, occasioned by these persecutions, might be disabled from carrying on the war, which was the chief thing drove us by the promoters of the bill. So that many of the lords, as well as the bishops, agreed in opposing the bill, though upon different views, yet they consented to some parts of it, chiefly, that such as went to meetings, after they had taken the sacrament, should be disabled from holding any employments, and to forbid a 20*l.*; many went into this, though they were against every part of the bill, because they thought it the most plausible way of leaving it; since the House of Commons had of late set it up for a maxim, that the Lords would not alter the first, that they should fix a bill, that being a meddling with money, which they thought was preferable to them, that they would not let the Lords, on any pretence, hinder it upon it.

" The lords however appeared a very unreasonable as to make use of the rolls, which lay in the clerk of the parliament's office, for the middle of King Henry 7's room, down the present time: and they found, by such hundreds of precedents, that in some bills the lords began the clause, and set the lower off, that when bills were set by the commons, sometimes they showed the first, and at other times they changed the last, to which they were obliged. The report made of this was so fully clear, that there was no possibility of reply.

party; and on the first of December sent to the Lords for their concurrence. The Lords were so little moved by this bill, that apprehending it, as some others had they did not wholly like, might one time or other be carried to a *Mans Bill* by the Commons, they passed a vote, "That it would be an infringement of

the Privilege of their House." When the Bill came to be considered by the Lords, they were pleased to make several Amendments to it, which occasioned several Conferences between the two Houses, as follows after the bill, which it is thought expedient to insert, as necessary for the right understanding the matter in question.

THE ACT FOR PREVENTING OCCASIONAL CONFORMITY.

THE BILL AND AMENDMENTS.

The Commons Appointed and Disagreed, so the Amendments made by the Lords to this Bill for Preventing Occasional Conformity, with the Commons Amendments to the Lords Amendments.

A Bill is by the Commons

December 2, 1702.

AS nothing is more contrary to the profession of the Christian religion, and particularly to the doctrine of the church of England, than perseverance for some time only in the communion without, as yet passed in the first year of the reign of the late King William and Queen Mary, entitled, "An Act for exempting their majesties protestant subjects, dissenting from the church of England, from the penalties of various laws," which act might possibly be observed, and case given to all conformers

The Amendments made by the Lords to the Bill for preventing Occasional Conformity.

has T. After [Mary] did [of glorious memory].

in it, and the Lords ordered it to be carried in their House. But the Commons were resolved to insist on their point, without entering into any debate upon it. The Lords also added clauses, requiring proof to be made by two witnesses, and that the information should be given in within 10 days, and the prosecution commenced within three months after the fact. The Commons agreed to this, but would not allow the penalties that they had set. The thing depended long between the two Houses; but at last both parties agreed to bring up the bill that should rise with them, so that there were above 180 bills in the House, the greatest number that had ever been together.

"The House put their whole strength to carry the bill, Francis George, who had served the Government, as had high honour, and yet kept his chapel in the Lutheran way, so that he was an occasional communicant, came and voted for the bill: After some conferences, relating each House had yielded some smaller differences to the other, a vote to a *First Conference* in the Privy Council, which was the most attended upon that occasion, that had ever been known, so much weight was laid on the matter on both sides.

"When the Lords retired, and it came to the final vote of adjourning, the Lords were equally divided, that in their judgment, and on

different heads, the adjourning was carried but by one voice in every one of them; and it was a different person that gave more all the three divisions. The Commons likewise gathered, so the bill was lost. The bill seemed to favour the interests of the church, so her men were for it; and the greater number of the bishops being against it, they were censured, as cold and stuck in the corners of the church, a reproach, that all moderate men must express, when they oppose violent motions. A great part of this bill is inserted for I have a large share in the debate, both in the House of Lords, and at the free conference. Happy men took occasion from hence, to charge the bishops to remove from the church, and keepers of its interests, because we would not run bloodshed into the passions and designs of all compared here, though we are appeal to all the world, and which is more, to God himself, that we did faithfully and seriously pursue the true interests of the church, the promoting religion and learning, the recovering of all good men, and good designs; and that we did apply ourselves to the duties of our function, and to it, work of the gospel. Having thus quieted ourselves, we must hear the voice, and attend to the will of God. The loss of our spiritual state we cannot diminish, we have so much that more to look for from him." Bisset.

Dispersed to by
the Commons.
Dispersed to by
the Commons.

truly scrupulous; nevertheless, whereas the law do provide that every person to be admitted into any office or employment should be conformable to the church, as it is by law established, by swearing, that every such person, as it is directed, should receive the sacrament of the Lord's Supper, according to the rites and usage of the church of England; yet several persons dissenting from the church, as it is by law established, do join with the members thereof in receiving the sacrament of the Lord's Supper, to qualify the selves to have and enjoy such offices and employments, and do afterwards resort to conventicles or meetings for the exercise of religion in other manner than according to the liturgy and practice of the church of England, which is contrary to the intent and meaning of the said statute made. Be it therefore enacted by the queen's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in parliament assembled, and by authority of the same, that if any person or persons after the first day of March, which shall be in the year of our Lord 1704, either priest or ministers, who have or shall have any office or offices, merit or merits, or receive any pay, salary, fee, or wages, by reason of any patent or grant from her majesty, or shall have any command or place of trust from or under her majesty, or from any of her majesty's predecessors, or by her or their authority, or by authority derived from her or them, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, or in her majesty's navy, or in the several offices of Jersey and Guernsey, or shall be admitted into any service or employment in her majesty's household or family, or if any mayor, alderman, recorder, bailiff, town clerk, common-council-man, or other person bearing any office of magistracy or place of trust, or other employment relating to or concerning the government of the respective cities, corporations, boroughs, cinque-pores, and their franchises, and other port-towns within the kingdom of England, dominion of Wales, and town of Berwick upon Tweed, who by the laws are obliged to receive the sacrament of the Lord's Supper, according to the rites and usage of the church of England, shall at any time after their admission into their respective offices or employments, or after having such grant, as aforesaid, during his or their continuance in such office or office, employment or employments, or the enjoyment of any profit or advantage from the same, shall resort to or be present at any conventicle, assembly or meeting, under colour or pretence of any exercise of religion, in other manner than according to the liturgy and practice of the church of England, in any place within the kingdom of England, dominion of Wales, and town

law 1. After [scrupulous] add [but].
law 1. Leave out from [whereas] to [received] in the 2d line.

Dispersed to by
the Commons.

law 14. Leave out [which]

Dispersed to by
the Commons.

law 45. Leave out from [thence] to [shall] in the 2d line.

Dispersed to by
the Commons.

law 62. Leave out [shall],
read [knowingly and wilfully].

conventicle, assembly or meeting, as aforesaid, and receive the sacrament of the Lord's supper at least three times in the year, every such person or persons shall be capable in a grant of any office, or employment, or of being elected into or holding of any the offices or employments aforesaid.

Provided also, and be it enacted, that every person so returned, and otherwise conforming to manner, as aforesaid, shall at the next term after his admission into any such office or employment, make oath in writing, in any of her Majesty's courts at Westminster, or public and open court, between the hours or time of the clock and twelve in the forenoon, or at the next quarter-sessions for that county or place where he shall reside, that he has conformed to the church of England for the space of one year before such his admission, without having been present at any conventicle, assembly or meeting, as aforesaid, and that he has received the sacrament of the Lord's supper at least three times in the year, which oath shall be there enrolled and kept upon record.

Provided also, and be it further enacted by the authority aforesaid, that if any person who such his admission, as aforesaid, into any office or employment, shall a second time offend, or offend afterwards, and shall be thereof lawfully convicted, he shall for each offence incur double the penalties before-mentioned, to be recovered in manner, as aforesaid, and shall forfeit such office or employment, until he shall have conformed for the space of three years, in manner aforesaid, whereof oath shall be made in writing in one of her Majesty's courts at Westminster, or at the quarter-sessions of the county where he resides.

Clause [C] disagreed to by the Commons.

Clause [D] disagreed to by the Commons.

Clause [E] disagreed to by the Commons.

to this act, by residing so, or being present at the religious exercises used in the Dutch and French languages, in churches established in this realm, in the reign of King Edward the Sixth or of Queen Elizabeth, or at any other time or place of this realm.

[E]. Provided always, and be it enacted by the authority aforesaid, that nothing in this act shall extend, or be construed to extend to any government or governors of any hospital or hospitals, or to any masters of any corporations or corporations, workhouses or work-houses, constituted, created or employed for the relief, and raising of the poor on work, and for providing of magazines and beggars, all which said persons, and every of them, shall be, and are hereby exempted from all the penalties mentioned in this act, and are hereby adjudged and declared not to be subject or liable to any of the penalties or forfeitures mentioned in one act of parliament made in the third year of the reign of King Charles the second, "For preventing Disorders which may happen from Popish Recusants," for or by reason of any of the aforesaid offices or employments.

First Conference.] Dec. 17. The managers appointed by the two houses had their first Conference, as follows:

To the first Amendment the Commons disagreed.

To the second and third Amendments, lines 10, and 11, the Commons disagreed. 1. Because that the ritual, that every person to be admitted into any office or employment, should be conformable to the church, so, as by law

any such offices, unless upon the union of two credible witnesses at the least.

[B]. Provided always, and be it enacted, that from and after the said first day of March, no government or governor shall be compelled or compellable to take, serve, hold or bear any office or place whatsoever, for the taking, serving or holding whereof he cannot be duly qualified by law, without receiving the Holy Sacrament according to the usage of the church of England, and also making and subscribing the Declaration contained in the statute, made 23 Car. 2, intitled, "An Act for preventing Disorders which may happen from Popish Recusants," any statute, law, usage, or other thing to the contrary notwithstanding.

[C]. Provided notwithstanding, that this act shall not extend to the governing churches in the universities of this realm, or either of them, when, or at such times as any sermon or lecture is preached or read in the same churches, or any of them, for, or as the public university sermon or lecture, but that the same sermons and lectures may be preached or read, in such sort or manner, as the same have been heretofore preached or read, the act, or any thing therein contained to the contrary, in any wise notwithstanding.

[D]. Provided, that no person shall incur any the penalties

established, or confined to such laws as enact, that every such person shall receive the Sacrament of the Lord's supper, according to the rites and usage of the church of England. 2. Because the Corporation and the Levite Acts, which have been frequently created, and are by the bill intended to be made effectual, do provide, that all persons to be admitted into any office or employment, as governors of such a city, should receive the Sacrament of the Lord's supper, according to the rites and usage of the

church of England; and all persons under such obligation to receive the Sacrament, the Commons conceive are obliged to be conformable to the church, as it is here established.

To the 4th Amendment, here 5th, the Commons disagree, because it depends upon the latter.

To the 5th Amendment, *sed alibi*, here the 4th, the Commons disagree, because your lordships think this bill to be necessary as to the officers and persons described in the former part of this clause, and the Commons are no wiser why this bill should not equally extend to the persons and officers described in the latter part thereof, left out by your lordships in this Amendment. 2. Your lordships having said, in this Amendment, these words (viz.) 'Who by the laws are obliged to receive the Sacrament of the Lord's Supper, according to the rites and usage of the church of England,' may understand an opinion, that the persons described in the words left out by your lordships, are not obliged to receive the Sacrament. 3. These words do equally refer to the persons described in the former part of this clause, to which your lordships have agreed, as to the persons described in your lordships' Amendment, and the Commons take it to be very evident, that every person described in this clause, as set up in your lordships, is obliged to receive the Sacrament of the Lord's Supper, according to the rites and usage of the church of England.

To the sixth Amendment, here 8th, the Commons do agree.

To the 7th Amendment, here 9th, the Commons have agreed, with some amendments.

To the 8th Amendment, here 10th, the Commons have disagreed, because though every other reason might be offered, from which the Commons can never depart, yet, at this time, they think it sufficient to say that the penalties left out by your lordships in this Amendment, are not necessary, and no more than what is necessary to make the bill effectual.

To the 9th Amendment, *sed alibi*, here 10th, the Commons disagree, because they think the penalty of incapacity, as qualified by the subsequent proviso, is a proper punishment for this offence; and the Commons conceive it necessary to increase the penalty upon a second offence, as has been practised in many other cases.

To clause [A.] the Commons agree.

To clause [B.] the Commons disagree, because, as this bill takes away no one privilege that the Commons have by law, so the Commons cannot think it fit to give them any new privilege by it.

To clause [C.] the Commons disagree, because the Commons conceive there is no occasion for it.

To clause [D.] the Commons disagree, because the Commons think it necessary that the bill should equally extend to all persons, but are agreed, as obliged to receive the Sacra-

ment, and see no reason for the distinction made thereby.

To clause [E.] the Commons disagree, because, if such persons are obliged to receive the Sacrament, there is no reason to exempt them out of this bill, and if they are not obliged, the clause is unnecessary.

Several Speeches were. To these reasons of the Commons the Lords replied, at a second Conference, Jan. 4, as follows.

"The Lords move on the 2nd and 3rd Amendments in the preamble of the bill. Because the words left out by this Amendment are introduced to the clause left out (i.) their introduction in this Amendment. Besides, as the law now stands, there are many other laws and by-laws in which persons may be restrained, without being under an obligation to receive the Sacrament on that account, and therefore they cannot agree to put a single word, whereas a matter of fact is positively affirmed, which they take to be untrue.

"The Lords moved on the 4th Amendment, because it depends on the former.

"The Lords move on the 5th Amendment. Because the Act of the 15th of King Charles the Second, called 'The First Act,' which has been found by experience to have been an effectual remedy against Popery, and which your lordships are willing to enforce yet further by this bill as to the Dissenters, who owe to every body; and it is generally understood to what employments it does extend; and therefore your lordships think it reasonable to run there, and not to subject more to the penalties of this bill upon general or uncertain words.—The Lords do not go about to take away the force of the Corporation Act, or to lessen any manner the strength of England has by it, but cannot agree to extend the penalties of this bill to the general words of that act, which, by construction, hereafter may serve purposes which are not agreed as present to be the intent of this bill.

"The Lords move on their 6th Amendment, which relates to the penalties as they stand when the bill was sent up from the house of commons.—Whatever regard their lordships may have to remove which the house of commons are resolved never to depart from, they hope it will not seem strange, that they are not convinced by such reasons as are not thought fit to be offered: but, in pursuance of their Amendment, their lordships think fit to say, that as they have an undoubted right to bring bills with pecuniary penalties, and to alter and distribute pecuniary penalties as shall seem up to them by the house of commons (i.) each right their successors have always enjoyed, and from which their lordships can never depart; and, they are convinced, there never was a more just occasion of making use of that right than at the present time.—They conceive the penalty of 100*l*. and 5*l*. a day for every day after the offence committed, for the recusancy, and the whole being given to the recusant, would prove a dangerous temptation to perjury, and a pernicious encouragement to informers, the most

independence of persons, which would be a blessing next to a lost empire.—These lordships have given no general proof of their willingness to make the bill as effectual as well consent with reason, by agreeing to such a pecuniary penalty (besides the loss of office, as may be a proper encouragement to obedience to swear the oath—though that perhaps of modern frequency is gone) alone.

"As to the 9th Amendment; the Commons say their dissent, because they think necessary a proper punishment for the offence. 1. The Lords dissent upon their Amendment, because they think directly the contrary. 2. Their dislike is of course, that, as the law now stands, any person having an office may be present at most upon such oaths being sworn, than he might be present at a convocation of the Lords—should dissent from their Amendment. 3. The Lords think an Englishman cannot be reduced to a mere minority condition, then to be put, by law, under an incapacity of serving his prince and country, and therefore holding has a sense of the most detestable writers ought to put him under such a disability—dies when the king is present as a reward, to be so high a crime, and hardly think that a punishment of such magnitude ought to continue long; and yet the bill says, 'The Act of Toleration ought to be kept ever last.' The Lords think that it is not all so easy to read, as a sentence of punishment for a criminal offence, because, the first offence is made necessary at office, and when the office is gone, the person may go to a new office, without breach of any law, while the Act of Toleration continues; and if he shall afterwards get another office, he will forfeit the penalty, and meet the punishment in this act, if he shall ever after be present at a convocation, which other lordships think a violent punishment for a private offence.

"And then, 10th. The Lords agree to the Commons Amendment in their lordship Amendment, with the addition of the words following, after the words ('payed for'); ('in default,') 'in consequence of the act passed in the 5th year of King William and queen Mar., mentioned.' An Act, declaring the rights and liberties of the subject, and settling the succession of the crown, and might are passed in the 5th and 10th of King William the Third, mentioned.' An Act for the better limitation of the crown, and better securing the rights and liberties of the subject."

"The Lords went on the clause (B). Because, to leave Protestants dissenters subject to penalties if they do not accept of oaths, and at the same time to restrain them, if they accept of them upon the penalties of that bill, then doing what they think themselves obliged to in conscience, is persecution for conscience, and does not agree with what is set forth as the principle of the bill.

"The Lords went on clause (C). Because they see no reason why being present at sermons or lectures preached or read in the universities, and established by ancient custom,

and with very good intentions, should subject men to the danger of incurring the penalties of that law, and the same clause was thought necessary as the Act of Uniformity.

"The Lords went on clause (D). Because the former returned churches allowed, or to be allowed, were by the Act of Uniformity excepted from the penalties of that law; and other foreign Protestants, who have been invited out of their own country by a civil parliament, have settled here in England, by encouragement from parliament, as well as from the crown, it would have a strange appearance, if it should be thought so high an offence for any of her majesty's subjects in office last: not to be present at their regular worship.—This would give such a disadvantage to the dissenting religious abroad, as would no way suit with her majesty's character of head of the Protestant religion in Europe.

"The Lords went on clause (E). Because the point concerned as to have no profit, nor any vote for what relates to the peace, and without the assent of suitable benefactors, as benefactors, public a theocracy, and the like, established with a management, and the same law is there might be inserted."

[*See Proceedings.*] The 10th, The Commons agree to have it read in at the Free Conference, with the 11th as a bill for the Lords, by the desire of Dissenters, there sat at fourteen o'clock, the first being of Saturday the 10th of January, and the last of Friday. And for the Commons, by Mr. Leavelle, Mr. St. John, Mr. Leach, Mr. Baskinsworth, and Mr. Thomas Paine.

"It was agreed that managers for the Lords, that Mr. Leach, had agreed in the reference of word their lordships had made to the Commons, and in the Lords' words sent in the 10th Nov. next, but insisted on their disagreement to the Lords other amendments, and to their lordships' clause word of B. C. D. and E., and therefore had desired the Free Conference with the Lords, in order that there might be good correspondence between the two Houses.

"That the interests of the church and state were to be supported without any and, that

"The court put their whole strength to carry the bill, protest George came and voted for it, though he was himself an occasional Communicant. But he had received the sacrament in his high-church, and yet kept his chapel in the Lutheran way. It was reported, the speaker should say to the lord Wharton, when he was about to deny against him, 'my heart is red you.' The earl of Marlborough and the lady Cheltenham also were for the bill. After some conferences wherein all hands had yielded some smaller differences in the other, it came to a Free Conference, on the 10th of January, in the Painted Chamber, which was the more crowded upon that evening than had ever been known, so much so that it was had on the matter on both sides. Tired.

the Commons might expect nothing to restrain a good correspondence, they had taken the oath, which had been pronounced with as good an effect as their ancestors.

"That the intent of this bill for preventing Occasional Conformity is only to restrain, to put a stop to a very scandalous practice, which was opposed to religion, given offence to all good Christians, and to the best among the Dissenters themselves.

"That this bill brings nothing new, that it is intended to make the laws as being more effectual.

"That these laws were thought sufficient to secure our establishment, but, since the invention, since the majority of men had found out ways to evade, not elude them, the Commons would never doubt but the Lords would be there to see they would not be wanting in due part, to maintain and support it.

"That this bill appears to the Commons absolutely necessary, for preventing those practices which were proved destructive to the church and the empire.

"That the Commons were incapable of having any doubts they were intended to cure. That they drew nothing but the preservation of the church of England and the country, and do not intend to meet with a steady concurrence from the Lords in their design.

"That as established religion and a national church are absolutely necessary, when so many of our princes are papists, and when their treatment would seem to follow them.

"That, if a national church be necessary, the only efficient way to preserve it, is by keeping the real power in the hands of those, whose practice and principles are conformable to it.

"That, when the Corporation Act was made, it was made clear from their minds the motives and considerations had been brought up in the debate by each as pretended to be at the same time is the true interest of religion and their country. That the parliament by that act, and afterwards by the Test Act, thought they had secured our establishment both in church and state, and that they had provided a sufficient barrier, to defend and dispossess any attempts against them, by enacting, that all officers should receive the Sacrament of the Lord's supper, according to the rites and usage of the church of England, and never imagined a set of men would, at any time, rise up, whose consciences were too weak to obey the law, but hardened enough to break through any.

"That on, upon the Revolution, the bill again began to rise as in favour of the dissenters, so the Commons do declare, at the beginning of her majesty's happy reign, an act may pass in favour of the church of England, that the laws, which have been repealed, may now be effectively restored; and that such men may be kept out of offices, who have shown they were unworthy the work, when they had the power, to destroy the church.

"That nothing had been more misrepresented of than this bill.

"That this bill does not interfere on the act of Toleration, and in no respect affects what is enacted by it.

"That this bill takes not from the Dissenters any one privilege they have by law.

"That this bill gives not any one privilege to the church of England, which is not (at least) intended her by the laws as they now stand.

"That their managers then represented the Lords, that the Commons insisted on their disagreement to the second and third amendments made by the Lords in the preamble of the bill, and on their disagreement to the fourth amendment; and argued,

"That a preamble is to declare the occasion of making a law; it makes no law; and if it be proper to the existing clause, it is a proper preamble.

"That the propositions advanced in the preamble are these: That whosoever persons are elected to qualify themselves, the laws agreed should be conformable to the Church.

"That if the laws provide they should receive the sacrament, and by that entered a conformity, then whosoever breaks the intention of the laws, breaks the law, or at least evades the law; and it is as dangerous to against such practices.

"That, as it befit the Corporation Clause should stand in the body, the Lords insisted for the maintenance of the preamble will not be of weight.

"That the preamble mentions such persons and such officers; which must be the persons and the offices the act relates to; and can be no other.

"That the word 'excepting' can only be understood of the laws that do so: which being relative, is still more plain and necessary.

"That, however, said if the Lords had pleased, they might, by a very little amendment, have altered the objective they make in these words, by changing 'every person' into 'several persons' which would have reconciled them to the dissenting dissenters.

"That their managers represented the Lords, that they insisted on their disagreement to the Fifth Amendment; and argued,

"That the words in the Test Act are more general and certain than those in the Corporation Act, which their managers cited and compared.

"That the words in the Corporation Act have here three more than forty years, without any inconsistency from them, or any complaint against them, for their being too general and uncertain.

"That the intention is for passing the Corporation Act, according to the preamble, was, That a sacrament or communion might be given to the heads of persons well affected in the laws and the conduct of government, and for the preservation of the public peace both in church and state.

" That these were the purposes the Commons designed in the passing this law.

" That these purposes, the Commons knew, the Lords will not then, was, are very proper to be attained, and that the Commons cannot in any case dissent, because they can do no other.

" That the Lords agree, this bill should relate to officers in the Fort Act, because the law intends those officers should be conformable. And if the intention of that law be the means to provide against such evasion of it, the like intention in the Corporation Act will serve for a reason to provide against the evasion of the Corporation Act.

" That, by Occasional Conformity, the Dissenters may let themselves into the government of all the corporations; And it is almost law for that would subvert the government of the kingdom.

" That is separate from a church, which has nothing in it against a man's intention to conform to, is solemn.

" That believe is certainly a spiritual act, without the apprehending of a temporal law to make it an offence.

" That Occasional Conformity declares a man's conscience will let him conform; and in such a case non-conformity is a wilful act, and why should occasional conformity be allowed in corporations, when the Lords agree this out of corporations it ought not to be allowed?

" That, if it be reasonable, as the Lords allow it, that he who hath an office out of a corporation, though it enables him perhaps to very little profit or loss, should be conformable, it is certainly much more reasonable, that another, who is trusted with authority, and power in a corporation, and has thereby a greater influence, should be conformable.

" The managers for the Commons insisted on their disagreeing to the Lords' Eighth Amendment; and agreed,

" That, if the Lords were pleased to remedy how much greater the provision and relief paid here were in many instances than in this bill; they proposed, the Lords could not think there is this bill excusable.

" That, in laying penalties, the Commons shall always endeavour to make them such, as shall neither tempt to perjury, nor totally discourage information and prosecutions; which they thought this Amendment of the Lords would do, should the Commons agree to it.

" Their managers are long in their disagreement to the Lords' Ninth Amendment; and agreed,

" That the present means of incapacity, the incapacitating, and the increase of punishment for a second offence, are warranted by many precedents of the like nature in other penal laws.

" That an incapacity, as qualified by the subsequent process, is a very proper punishment. That a second offence is a relapse and an apostasy, which are circumstances that aggravate and make it more heinous than the

first offence, and therefore deserves an increase of punishment.

" That he is indeed suffered to have unhappier conditions, who is made incapable of serving his prince and country; but, in the present case, one private and necessary way to be in a more unhappy condition, is followed by such whole principles are inconsistent with the good and welfare of our stable kingdom.

" That the Commons would never imagine the Lords could infer, from this incapacity, the taking away the Toleration.

" That the Toleration was intended only for the ease of tender and scrupulous consciences, and not to give a license for Unnatural Conformity.

" That conforming and non-conforming are contradictions, nothing has a true promise that our terms of communion are valid and lawful and justify the use, and that plainly contradicts the other.

" For their dissenting on their disagreeing to the clauses marked B C D, and E, these managers offered these reasons—

" That the exempting Protestant Dissenters from serving offices would rather establish essential non-conformity, than prevent occasional conformity; and therefore increase, not cure, the evil the bill was intended to remedy.

" That the Act of Uniformity, which established the liturgy and practice of the church of England, has provided for the sermons or lectures preached or read in the universities.

" That, these sermons and lectures having been in such manner provided for, it was not thought necessary, when the act passed in the 16th and in the 23d Car II, to prevent and suppress sedition and tumults (in both which acts conformity are described as in this bill, to have any particular exceptions for them, and yet they were never, by any censures, taken to be inconsistent.

" That the allowing an exemption in such as should be present at the sacrament in the churches reformed churches, would be to open a door for the evading this law.

" That the places of governors of most hospitals are very considerable preferments, and given as such to the clergy of the church of England; and the Commons can never consent, by any law, to let in the Dissenters in the enjoyment of them."

" The managers for the Lords did mention the Alterations made in this Bill, and the clauses added to it.

" The substance of what was said by the Lords' Managers was, That the Lords were determined in the Commons, to preserve a good correspondence between the two Houses.

" That, by their agreeing so far as they had done in this bill, they have given a great aid for the preventing the evil this bill is intended to remedy; and now it is to be considered whether that persons should conform only for a place.

" That the Lords do not take, progress is necessary to be made in it; for that the Dissenters

and differ from the Church of
some little terms; and there-
fore I think, less of offence
about an unpopularity.

It is never by thought, those of
the House will be guilty of this offence;
if they are, it is less, their offices, and less of
offence is it to be guilty in conscience, whilst at
the custom, and Court, and who have little
more to do with it, they will be wakened
by the loss of their offices, and thus the Lords
think severe enough without carrying it much
farther. Thus, at more considerable in private
places, which, in a common custom, are
laughed and sold, and are of the nature of
travellers.

"That unpopularity is too great a penalty,
and that it is hard to imagine any offence,
that is not capital, can deserve it.

"That there is no more reason to punish the
offence with unpopularity, than to make it felony.

"That the Dissenters are not obedient to
the government, as when the Corporation Act
was made.

"That the most considerable persons of the
Dissenters are well affected to the present con-
stitution, and are highly sensible to the queen's
and kingdom's interests.

"That in some corporations, the Lords take
the choice of members to serve in parliament
to be only as such as are concerned in the go-
vernment of them, as at Buckingham, &c.;
and the Lords would see, by this bill, deprive
them of their birth-right.

"That the Lords do not think it so bring any
greater hardships upon the Dissenters, since
great advantages have accrued from the Act
of Toleration.

"That the Dissenters had formerly been
unlawful and had appeared in open rebellion;
they then declared both against church and
state.

"That of late, in the greatest extremity of the
church, they used well her; when the bishops
were in the Tower, the Dissenters showed they
had no pretence to the church, and as they
have continued to behave themselves.

"That the Lords do equally desire a good
correspondence between the two houses; and
were so situated of the necessity of union at
this time, that they thought all measures total,
that might create any discord in light. Pre-
sents at home, or give any check to the ne-
cessary union amongst our allies abroad, of the
present religion.

"For which Reason, in a time of war, they
thought absolute union necessary and important;
and were unwilling to bring any real hardships
upon the Dissenters at this time, or give them
any cause of just complaint.

"That the Toleration bill had such noble
and good ends, both established so much in
the minds of the representatives of the Church of
England, and produced so good a temper
in the Dissenters, that the Lords are un-
willing to give the House dissent to that act,
which, that bloody of conscience and

gentle measures are more proper, and have
been found most effectual, toward increasing
the Church, and diminishing the number of
the state.

"That the Lords apprehend, that some parts
of the bill by them enacted have an air of
severity improper for this season; that, though
there may be some things to be found fault with,
yet a proper time ought to be taken to apply re-
medies, that the sweeping too hasty course
have often proved fatal.

"That the Lords could not imagine the in-
terests of the church and state were not to be
supported without this bill; were, in case of
such danger and necessity, the remedy must
have been proposed before now, by some of
those worthy members of the Church of Eng-
land, who, in so many parliaments, since the
Toleration, have shown so much zeal for the
reformed church and government.

"That the Lords think they have sufficiently
shown their dislike to the practice of occasional
conformity, on which they inflict no less a
punishment than loss of place; and have con-
sidered likewise in a reasonable time to be laid
on those who are proved guilty of this crime.

"The Lords cannot but conceive that, if this
bill did not stand unopposed, there would not be
such a contest about it; that it is plain, though
occasional conformity might always in here
been esteemed a crime, that the practice was
now, and the punishment provided by the law
was likewise the Lords conceived the punish-
ment; but would proportion the penalty to the
offence.

"That the Commons give up the argument,
when they propose, for new increased crimes,
new increased punishments.

"That, as the Commons need not be ashamed
at designs so laudable as the preservation of
the Church of England and monarchy; so, the
Lords conclude, their desire of securing the
Toleration Act, the peace and quiet of the king-
dom at home, and the interest of the nation
abroad, will meet with a fair construction;
especially when they hope the church is so well
secured, by her doctrine, by the good laws of
the realm, and the protection of so great a
queen, assisted by a parliament so well affected
to the church and state.

"That the Lords not only allow the neces-
sity of an established religion and a national
church, but, being likewise of that national
church, they can never be wanting to those
measures they think proper to secure it; and
though, by the first appearance, the members
of the house of commons were seem upon the
occasion the most violent dissenters to the
national establishment, yet the Lords think the
only custom between them is, which declined
beforehand and take care of the church, the use
would practice a heavy settled subscription not
so much to be depended upon; the other would
be less for her a more gradual, but a safer, ad-
vantage ever since that dissent from her, the
same and being designed by both, and only
some difference in the means to attain it.

" That the Lords do not well understand the difference, that as, upon the Revolution, the last reign began with an act in favour of the Dissenters; so the Commons do dissent, in the beginning of her majesty's reign, an act may pass in favour of the Church.

" The Lords conceive, that both reigns began upon the same basis, and foundation; and that, with this change of majority each here placed in give persons acquainted as to liberty of conscience, so in this too, the Church ever met with protection and support.

" That the content of both projects is, to support the Church against her enemies. That it is hard, as a call to arms, to say of the Dissenters, that never wanted the wall, when they had the power, to destroy the church and state; when in the last and present design the church was exposed to, they joined with her, with all imaginable zeal and sincerity, against the Papists, their common enemies; showing no partiality to the church, but the warmest respect to her feelings when told to the Tower; and that ever since they have continued to show all the signs of friendship and submission to the government of church and state.

" That, in truth, formerly the Dissenters had been seditions, and in arms and opposition to the state and church; but it was the effect of persecution, and that, even then, they were open and exposed enemies; but that as events and conditions had ever instead of producing peace and union, as persecution had ever failed producing the contrary effects.

" That the Lords cannot think the Dissenters can properly be called schismatics, at least that differs an essential point, that such an opinion allowed would bring a heavy charge upon the church of England, who, by a law, have tolerated such a schism; that schismatics have been used in schismatics; that public schism was never given to such; and the churchmen having allowed communion with the reformed churches abroad professing Calvinism, it must follow, they hold them not guilty of schism, or could not allow communion with them.

" That the Bill reflects a second punishment on those who fled from France for their religion, that they sought a very improper refuge, amongst those that must think them guilty of schism, and must not deem accordingly, that this may be used as an argument to justify even the persecution in France. Why may not the Roman Catholics, with reason, brand those, that even Protestants can hardly endure amongst them, and for whose doctrine and practice they show such an aversion, that a man must forfeit his place, and undergo a hard penalty, for entering ever into their congregation?

" That the Lords cannot depart from the clause relating to the Dutch and Walloon churches so long established amongst us, but it should give great disgust and offence to our allies abroad, and at the same time reflect the greatest character can be given a church, that of tenderness and charity to fellow schismatics,

the contrary practice being what is so well observed amongst Roman Catholics.

" That, though the Lords allow, that no man hath a place by birth-right, or has few more examples in our government, yet that giving a vote for a representative in parliament is the essential privilege whereby every Englishman preserves his property, and that whosoever deprives him of such vote, deprives him of his birth-right.

" The Lords are all against, the Dissenters should have liberty of conscience, but against the further measures proposed by the Commons, to allow another Dissenters nor ecclesiastical communion any share in the government. That day takes due to be the great security for the established religion, that all who sit in the house of commons must be churchmen, and the difference between a churchman chosen by churchmen, and chosen by Dissenters, is only this, that the former will be for doing nothing, the other gentle means, for bringing the Dissenters into the church.

" That the disagreeing to the clause relating to workhouses where they were employed and relieved, seems very hard; since it could never be conceived, that the distribution of some Parliamentary help to the poor, and Dissenting work-houses to the sick, could ever bring any prejudice to the church of England; especially by such that, having no authority in the government, or profit by the administration of such charities, gave them indifferently to those of all persuasions.

" Allow these charities to never their use, which God allows and commands.

" That the Lords conceived the Act of Toleration really proved, to the advantage of the church, that even the practice of nominal conformity is a fire, as it had done great prejudice to the Dissenters, so had it added to the reputation and authority of the church, the Dissenters having denominated the great against conformity by the practice; for, if they still conformers a place, much more ought they to do so in compliance with the law, and for the sake of unity—but one or two instances of this as so long a time.

" That the Lords are of opinion, the Dissenters are coming into the church, and that nothing but carrying measures and strictly enforcing them will be happy to us.

" The main design of this bill is, to secure the church of England, and in this the Lords do perfectly agree with the Commons; both sides of the house join in it with equal zeal, and the main point of this bill being the excluding all persons from employment, of trade who join themselves to any other body but the church of England, besides the church of England; the Lords do agree entirely with that likewise in this, all the difference is, what for this purpose should be had, besides the best interest of the employment, or persons so offending.

" The Lords look on the design of qualifying some for places of trust to be a thing so essential

judged with the legislature, than, without giving any consideration, upon very superficial views of things, has committed, or, at least, government has not prevented, a multitude, of ill-judgments to the detriment of such, as they most concerned. For the public and private members, especially the latter—Drum's house, by example, showed a common assembly, not used to business, such an effect of petty business, were made capital, and could be just reason for dissent.—There ought to be a proportion observed between the number and the grandeur, and influence of the latter with right and law, and a consideration of the consequences of a high chamber—perhaps the best remedy would be, to make such a proportion, as to be equalled and less the first, and guard chiefly against it, being no more numerous than members, and some considerable society, and therefore there has been a great difference, put between papist and protestant dissenters, first laid and then, even never there as in the

"There has been a great deal of consideration and study, comparison to the whole progress of our legislation, with relation to that religion, suitable both to the state of a collection of that government, and to the church, which our respect is to."

"In the first beginning of our Reformation, under Edward, the first of England, was observed in being suitable to that wisdom (2 & 3 Ed. 6. cap. 1) Any dissension, that could be avoided, and of the, withally wanting in the same, or that should perhaps upon the book of Common Prayer, for the first offence, was only to be the first profits of any one of the spiritual profession, with some moderate punishment. There was a mild punishment, even of a clergyman offending, and yet that was no subject, when he continued obstinate.—In the same act, if any of the first should refuse or compel any to use any other form of worship in a cathedral or parish church, even for so doing no offence to the established religion, he was only to be fined in ten pounds, or to suffer three months imprisonment.—With this provision was our Reformation at first set up; and though perhaps it may be suggested that by the wisdom, Papists were to be punished, that they had it done in their power to lay that work in the dust, and to have those who had used them in rebelliously; yet, when things were happily re-established by queen Elizabeth, though the penalties were a little heightened, still the moderation of that time was observed."

"A Clergyman, that before for his first offence had forfeited one year's profits of any one benefice, did, by the act of the queen, forfeit one year of all his preferments, and the powers or compulsion of using another form of worship, even in a Cathedral, were fixed in no hundred marks."

"With such gentle methods was our Reformation at first established. And when the many oppressions against the law of that queen forced the government to greater severity,

yet, in the statute of the twenty-third of the queen, the bearing of Mass was raised nearly more penal; one hundred marks was set for the first, with a year's imprisonment; but with this temper, that if the person accused did, before judgment, submit and conform, he was to be discharged. Thus in the highest severity to punish our laws, that showed the bearing of Mass, and were then very much protected in respect to. I need not observe, that the penalty of this bill goes higher, and is not so easily avoided."

"A Papist convert, at such as he converts himself, and receives the Sacrament, is immediately cleared, no compulsion lies upon him: But the Act requires that master father, as a poor's complicity. A Papist, that shall be taken, and fall under a second conviction, is only convicted over again, without any augmentation of the severity, which by this bill is much heightened upon a second offence. So that the penalties of this bill are higher than any the law has laid on Papists for sinning at the sacrament acts of their religion. It is true, if a Papist shall have Mass with five persons more than three of his own family, he falls under the penalties of this bill, but all that have been shown, and are requested with the methods of this religion, even where a man is a full freedom, know that the practice of solitary Masses serving them is so excessive, that no one of that church is in danger of falling under any penalty, for having any number about him in the acts of their worship."

"When the late act against Conventicles passed, which is the foundation of a great part of this bill, the first act was an express improvement, to be redemptible by 2*l*. for the first offence, a poor's improvement, to be redemptible by 10*l*., for the second offence, and to be perpetual with the punishment for the third offence."

"The Lords, doubting that severity, added a clause for reclaiming that by 160*l*., and appropriated the law. The severity of these points did not agree, with the temper of Englishmen, and the act was not much executed. Some years after this, a greater act was made, the fine was then set at 2*l*. and 10*l*. for the first and second offence, but no one could be fined above 10*l*. for any offence, except that act, except the manner of the house where the conventicle was held, who was to be fined in twenty pounds."

"The severity of this was intended to force the Dissenters to petition for the Reformation, that was then designed, and followed not long after; that act was enacted in Stirling's majority with the greatest severity, as the Declaration Madam was at Dover; now that, that prosecution was slackened. But, after the attempt made for the exclusion, there have been again executed for some years with great severity, by a Papish management; after they had set the Church against the Dissenters, then, according to their wanted arts, they tended to set the Dissenters as much against the Church."

"When, by such methods, we were reduced to the last extremity, there was the late king intent to cure and deliver us, and after he had secured our religion, our laws, and our liberties, he, in the Act of Toleration, which he passed, spared those hearts that had almost been lost."

"Whether some may doubt, he will be still reckoned among the greatest of our Kings. To him we owe a long continuance of a flourishing time, each wearing a great cross; and it is to him, that we owe the great happiness of her majesty's reign, even to this hour."

"The church has no reason to complain of the effects of the Toleration; for, as the members of those who divide more us do mostly about all over the nation, so the best and most numerous, which is increased by these donations, is almost entirely lost, and we cannot but look on that as a happy step towards the healing of our wounds."

"But what may we not look for under the reign of such a queen; whose example, whose virtues, and real, give us reason to hope for a happy state of matters in the church, if such sponsors do not again raise new flames, and set a new edge on many spirits, which may blast these hopes, and defeat the success that we might otherwise expect under such an auspicious reign."

"Before the Act of Toleration passed, whole assemblies were illegal and criminal assemblies; yet even then a man in office, that was present at them, was only liable to a fine of 50*l*.; whereas, by the bill, he is liable to a fine of 100*l*. for being present at them, though they have now no impunity by law: it does not seem so very suitable, that the same person shall be made one time more penal after such an impunity is granted, than it was before the passing that law, while such assemblies were illegal."

"This is yet more so necessary with relation to the dissenters of the foreign Protestants, that were taken care of even in the Act of Uniformity, so that these are legal assemblies, not only tolerated, but allowed. Now, how unbecomingly would the legislature be as to the consideration necessary for all that hold any place of trust; yet it seems contrary to all known rules, to lay a very heavy penalty on any person that is allowed by law."

"A known maxim, with relation to all laws that are highly penal, is, that the words expressing the crime ought to be clear, and of a determinate sense, not liable to constructions and stretch; since the greatness of the penalty may prove an inducement to make those stretch, and to carry them yet beyond what is intended. The crime is penal by the bill as to the dissenting with five more than the parish, under the presence of religious worship, either the dissenting or a clergy and presence of the church of England. Now we know where what are dissenting; but it is not so easy to tell what the importance of the word presence may be, or how far they may be car-

ried; whether it is the presence of catholics, or papistical churches, and whether presence shall govern the clergy, as it is the act saying the second service at the altar, or dissenting after the second lesson; and whether all family prayers, or not by the force of the Litany is not, reformed: though every book for family prayers have been much recommended, and commonly made use of."

"In the manner, the persons of churches are secured, so not so have often five more than their family within their houses. may these be excluded from family prayers, if it is not according to the Litany? and may not even the Litany prayers, without psalm and lesson, be likewise excluded within these words, or at least be carried to that by various means, and be so given by some joint and several judges. It therefore seems concerning, and unbecoming to such a government as our happiness is, especially when it is in such hands, to lay so heavy a penalty upon an offence so delicately expressed."

"That, as the penalty seems excessive, and the words are of uncertain signification; as the Lords do not approve of the application of the same to be moved by the bill, that they should all go to the reformer. The answer returned was to give them to the crown, and to leave the managing business to the crown, it was one of those times that were judged with the sovereign, and so the bill was to be executed severely or more leniently to the public concerns required: but, by the bill, all is given to the dissenters, 1706, for the solemn, and 2*l* a day for three months, both which may amount to 100*l*.

"For, though an oath may be made within ten days, yet, that not being to be done in open court, the party may not hear of it, and if he knows it to be false, he may have no regard to it, so he may let it run to the time limited by the bill."

"This answer has been growing long under false meeting, that has been in every court; all sides have had their share in it. But God gives out another spirit upon us, one of the chief secrets or signs of false witness is, that such an answer follows, especially when serious prayer against these matters, that a small matter cannot tempt even a bad man to so long a process; but, if we give a man what to be the reward of such villainy, it is hard to tell where it would stop."

"A couple of bad sermons, discussed the illegitimacy, might be caught in mischief, as well as savings, to buy a probable story, and carry it through by bold assertions, a great deal of strength was but too easily presented against a ready man, and it is to be feared that such a bill as this would not be so successful as we on foot."

"Those who exposed themselves with the Russian Embassy, are it from what a set people the Del were, the remaining ones, especially sermons against their unorthodoxy followed amongst the greatest reputation."

of the most important: but, though Dissenters moderate of such views, it is not war with great pomp, and in very lovely expressions, to the glory of Draper's reign, that he freed France from those plagues, and banished all those infamous betrayals of their consciences. It is to be hoped, that a reign, which God delights to prosper, must have success. Dissenters must know that no encouragement shall be given to vice, immorality and piracy, which the Lords apprehend might follow, if a great number were offered to the bill proposed. They think the reward they offer is enough to encourage honest and well-minded men to discover what they may know; and do not think it to lag before these temptations, that may be too strong as to corrupt in age.

As for the Occasional Conformity, the Lords do not go about to remove or to defend it, but they, who have observed the progress of those errors, and have borne a large share in those controversies, must acquiesce the Commons, that it is a common practice invented to evade a law; it has been both the principle and practice of some of the most eminent among the Dissenters, ever since St. Bartholomew's is the year 1689, it is known that Bacon and Bow did well maintain it, and that several books have been writ about it, and as the Doctors of the Divinity, who pretended to keep up a wall of partition between them and the church, have opposed it much, so the party of all the Dissenters that came out of the church, and of whose the greatest numbers have come over to it, were those that pleaded for it. Nor is it a certain inference, that, because a man receives the Sacrament in the church, he has therefore confirmed in every other particular, the office of the Communion is certainly one of the brightest and best compassed by that ever was on the church of God; the little passages that lay on the point were so fully cleared by the rules that is added, that it is indeed a wonder how any person should except to any thing in the whole office; but it does not necessarily follow that therefore every man, who is admitted with this, should be likewise satisfied with every other part of conformity. There was a very learned and famous man, that lived at Salisbury, Mr. Twiss, who was a very zealous reformer in all points, but as yet, inflexible Baptist, so that the receiving the Sacrament does not necessarily import an entire conformity in every other particular, no more than a man who is subscriber to the two first articles of our religion, that are related the mass case, and denies the doctrine of the Trinity, and the incarnation and consubstantial of Christ, it is not concluded to consent to the rest of the rest; the Dissenters agree to the first, but refuse the second of the first. This is likewise to be remembered, that, after Saint Bartholomew in 1689, Occasional Conformity was a step that carried every man further from occasional conformity, it grew to a constant conformity, it was in the pews, the galleries, and so they

children; to the Lords were some, descended from occasional conformity, expose the scandal of the church with much zeal.

* For these Reasons, the Lords do conceive the provision in the bill to be excessive and unreasonable.

* As to the Amendment in the Preamble The Lords have proposed to insert in it 7 words, the words left in a by them relate to another clause, which they think ought not to stand in the bill. But that is not all—the words left out by this Amendment make a proposition, which they cannot assent to as they say, for, as the law stands, every person to be admitted to any office, is not obliged to be conformable or receive the Sacrament, officers of justice, forest officers, non-conformist officers in the fleet, and many others, are under no such obligation.

* The managers of the House of Commons themselves were to admit the words too general to be maintained in strictness, and therefore they have laboured to qualify them by construction. That is an expedient which must be resorted to when writing or improper words happen to be found in a law already made; Nor, when a law is making, it has not been usual to consent for keeping in words which are plainly liable to exception, especially in a case where the clause is unnecessary, and the preamble sufficiently expresses the design of the law without it.

* The Lords insist on their Amendment which leaves out the words relating to the Corporation Act. They say, it is not to be despised, but that the Test Act extends to all the considerable offices and employments in which the activity of the government may be concerned. That line was made when the Lords were under a just apprehension of danger to the church; and the expedient agreed upon as most like to secure her now, the placing all the considerable offices in the hands of her members: so that the design of the Test Act is the same with that of the bill.

* Experience has justified the measures taken by that body, and there has been no complaint that it was not extensive enough as to the several sorts of offices.—To encounter a practice, which it is supposed may be made use of to elude the true design of the Test Act; the Commons have proposed by this bill to restrain absolute persons in office from going to university; and the Lords agree with them, as far as relates to all manner of offices comprehended in the Test Act, which the Lords think in the right measure to go by.

* All officers which relate to magistracy (as well within corporations as without) are fully comprehended in the Test Act, and therefore the Lords have insisted to leave the managers of the House of Commons right, that it is of consequence to take care of the integrity of the corporation in the hands of the churchmen, or officers, that, if the Dissenters were allowed, dissensions may be introduced into the government of corporations, and it is directly opposite.

These punishments much heavier than in most of the independent religions; but if that were true, who does he remove from thence, if the crimes be as the same as the heinousness of their nature? Justice and good policy require that the offence and the punishment be proportioned.

"The Lords have justly consider'd the punishment of the penitent in this bill, and those of the Ten Act.

"In the present case, an innocent man has only a sort of negative proof, to defend himself from false witnesses; who may choose to accuse him at a time and place for the best, so they have a party can be best likely to defend himself.

"Whereas, in the case of the Ten Act, the man who resolves to obey the law, which is no substance nor declaration, and receive the Sacrament, has not only the liberty to choose his own witnesses of his receiving the Sacrament, and the attestation of the minister who officiates, but the whole is put upon record, so that when a man has complied with the law, he is beyond all possibility of suffering by a false accusation.

"There seems to be no reason here to increase the punishment upon a second offence; for it does not depend upon the former, nor must it increase the penalty is increased for the second offence, for, when the offence is gone, the person is under no legal restraint from going to church again.

"If he obtains a new office, he brings himself at the same time under the reach of the law, upon a new account, and if he offends again, he will lose that office, besides incurring the pecuniary penalty.

"The Privy which is to regulate the conformity stands in very bad, that it is a new instance of the great severity of the bill. A man, to set himself right again, must take more public shame to himself than the severest laws against Papists require to discharge all the penalties and incapacities of a popish recusant convict, as appears plainly, by perusing the several acts relating to that matter; and the Lords will always be ready of putting greater hardships on Protestant Dissenters than Papists.

"That as compared ought to be made between the penalties the law had laid upon Papists for holding of offices of trust, without taking the Test and receiving the Sacrament, and the penalties to be laid upon Occasional Conformity, for holding these offices after they have been so convicted.

"The difference of punishment, that ought to be observed between these two, is not upon the account that the crime of the one is much greater than the crime of the other, but it is upon that it is, but because the one depends upon a foreign power, and we are subject to it; while the other is really no danger of such men should hold employments, who must be looked on as public enemies, and as persons who receive assistance from an authority that we are sure is our constant enemy; but no such dan-

ger can be apprehended from men who have no other strength than what they have from themselves, which we are sure can no way be compared to the strength of the established church.

"As to the Occasional Conformity; it will appear no such formidable thing, if we consider that the same sort of offences of Papists and of the church of Rome was of this nature upon other occasions."

"In the beginning of queen Elizabeth's reign, the Reformation and the liturgy were put on a foot, to bring over the whole nation that had then a house of popery to conform to it: it had this effect, all the Papists of England came to church, and were occasional conformers; yet the church of England was not warmer at this; they complained of no danger from it. But who was sensible of it? it was the pope, and he was in the right as to his own terms, for he saw what it was that occasional conformity would grow to; and therefore he put a stop to it, and by a bull condemned it."

"And indeed the church of Rome has observed, by the methods of all their masters, that they apprehend no danger, but great advantage, from any step of the occasional conformity of protestants."

"They accept of any thing and encourage every thing of that kind, and we have all seen, by the fatal effects of their practice, that they are in the right, and gain their ends by it."

"As for the claims about foreign protestants; there is great reason to give them all just encouragement; for, as they have brought saving us many new manufactures, so they have covered them so far, that of late years we have exported to the value of a million of woolen manufactures more than was done in king Charles's reign before they came among us; and the putting them under apprehensions or discouragements may be a strike to drive them to a country where they will be out of all our true liberty."

"The book that goes under the name of Mr. De Wit shows, the Dutch reckon that the woolen manufactures can never have such a settlement among us as with them, because they who must work them cannot have so entire a liberty of conscience here as there: we have felt the happy effects of the liberty granted them in the last reign; and it is to be hoped, that nothing will be done in this, to impeach that, or to make apprehensions and fears in the minds of men that are so useful to us as the most important article of our trade."

"As to the clause concerning alienation; we are not to consider the danger they may be to under our present circumstances, but what may happen in another sort of things; it is not so long since we saw what advantages were like to be taken against those learned bodies, if there had been such a law, to furnish them that were troubling them without any real new provisions, with the bundle that they had might have given them without the clause: and therefore, the Lordschaft, they are much to be desired if

these great foundations, not to take care of them, and think themselves bound to secure them even from remote and possible dangers, besides that the woe-demonstrator and heads of houses, being men of great dignity and preferment, may by a severe prosecution be ruined, unless secured by a clause.

"As for the clause concerning those societies that are engaged in taking care of the poor, the nation, and the city in particular, has seen such good effects of their care and industry, that it cannot seem reasonable to put any discouragement upon them. How many poor children do they take care of! They are by their means clothed and taught, and bound out to trades; and if some wicked people join their assistance and charity to no good work, shall they be hindered from it, or punished for it, if they have been so far mistaken as to be at a convocation; but this clause has no relation to endowed hospitals, which are under peculiar statutes, and to which some of these people have any access; the law has taken care of these, and secured them, and this clause relates only to free and voluntary societies for such charities, which the Lords do not think fit to put any restraint, or to bar any from coming into them."

The Managers for the Commons, by way of reply to these Arguments urged by the Lords' Managers, said,

"That several of the Lords' Arguments were against the bill.

"That the Lords had agreed to the greater part of this bill, and therefore should confine themselves, and speak only to their own Amendments.

"That no time could be more reasonable for this bill than the present; because the church was now in no danger of popery, or of schism; but good laws are to be made for posterity, and may be obtained most easily in the best reign.

"That the right of election of members to serve in parliament is in those that are concerned in the government of corporations, and if they should, by this bill, be turned out of those employments, and consequently lose their voice in the elections, yet it cannot be said they lose their birth-right, because no man is born a member.

"That the Commons penalty bears a just proportion to the offence, and that all above told is for an offender persisting in the crime.

"That the offender cannot be guilty through inadvertency; he must offend knowingly and wilfully.

"That the Test Act gives 200*l.* a much greater penalty than that in this Act, to the offender; besides, that Act brings the offender under very great disabilities.

"That no man can transgress in no more secure under the Test Act, than under this bill: the question must be always upon his acting or not acting, which does not depend upon the record, and a very violent prosecuting has been known

within few years against an abbot of Westminster, a constant conformer, only upon a suspicion, and where there has been no fault in the party.

"That the trial must be by a jury, not in a summary way before a justice of the peace, as in some of our penal laws.

"That it was very plain, good protesting might be offered by proclamation upon the Test Act."

Then their Managers left the bill with the Lords, and said, "They hoped the Lords would not let the public lose the benefit of so good a law."

Then the Managers returned to their respective houses. When it came to the third reading of the bill, the Lords were so equally divided, that in three questions put upon divisions, being the 'adjoining' was carried but by one vote in every one of them, and it was a different person that gave it in all the three divisions. Upon this, the bill was delivered to the Commons according to Form, at a First Conference, and they were told, that the Lords adhered to their Amendments. As the Commons likewise adhered to their disagreement with the Lords Amendments, the bill was lost for this time.

"While the Occasional Conformity-bill was depending, Daniel de Fon, who had been a lawyer in the city of London, and had, some years before, published a sermon, intituled, 'The True born Englishman,' now undertook to re-visit the immemorial seal of the church-party, in a pamphlet intituled, 'The Show-it Way with the Dissenters On, Proposals for the Establishment of the Church.' Some, on both sides, were at first amused with it, as questioning what was the design of it; but it was not long before the author's real aim was discovered. He began with such bitter reflections on the dissenters, and their principles, that it was taken for the work of a violent churchman for some time, and met with applause from some of that party in the two universities. He then, after his reflections, proceeds to tell the world, that the representatives of the same had now an opportunity, and perhaps the only one they should ever have, to secure the church of England, and thereby her members, under the favour and protection of a 'true English' queen. 'Till that time the time to pull up the heretical weed of schism, that had so long disturbed the peace of the church, and poisoned the good corn. That, if it should be objected, that this sweeping fire would sweep away all schism, and accounted heretics, he answers, that it is cruelty to kill a snake or a mad or cold blood; but the pains of their souls makes it a charity to our neighbours to drive those creatures, not for any personal spite or hatred, but for prevention. Not for that they have done, but the evil they may do. That, as serpents, scolds, and rogues, are dangerous to the body, and poison the sensitive blood, the dissenting people, who, corrupt our

Bill for the further Security of the Protestant Succession] The Commons had now passed a bill in favour of those, who had not taken the oath abjuring the pretended prince of Wales, by the day that was named; granting them a year longer to consider of it, for it was said, that the whole party was now come entirely into the queen's interest; though, on the other hand, it was given out, that agents were sent from France, on design to persuade all present to take the abjuration, that they might become capable of employment, and so might as well be a majority in parliament; and by that means the Act of Succession, and the oath imposed by it, might be repealed. When the bill for the prolonging the time was brought up to the Lords, a clause was added, qualifying those persons, who should, in the new extent of time, take the oath, as to return to their benefices, or employments, unless they were already legally filed. When this was agreed, two clauses of much greater consequence were added to the bill:—the first, declaring it high-treason to endeavour to defeat the succession in the crown, as it was now limited by law, or to set aside the next succession. This had a precedent in the former reign, and therefore it could not be denied now. It seemed the more necessary, because there was another person who equally claimed the crown; so that a further security might well be insisted upon. This was a great surprise to many, who were really sorry at the motion, but were not prepared for it, and did not see how it could be resisted. The other clause was, for sending the abjuration to Ireland, and obliging all there (or else were treason as in England) to take it. This seemed the more reasonable, considering the strength of the Popish interest there. Both clauses passed in the house of Lords, without any opposition; but it was apprehended, that the Commons would not be so easy; yet, when it was sent to them, they struggled only against the first clause, that barred the return of persons upon the taking the oath, who placed, that were already filed. The party took their

oath, rather our children, destroy the seeds of our happiness, our future liberty, and contaminate the whole race; and therefore they will be rooted out of this nation, if ever we would live in peace, serve God, and enjoy our own.—The Commons, after the motion and his design were discovered, ordered the pamphlet to be burnt by the common hangman, and the Po to be prosecuted. He pleaded for himself, that he gave the violent expressions but their hangings, or, at least, the state of their own experience, when they talked of 'hanging' 'our bloody robbers and banners of defiance' and showed what many of their pamphlets and sermons, as well as their contributions tended to. But the Po was fined 200*l*, and put in the pillory. The earl of Nottingham is said to offer an apology, which in Newcastle, if he could discover who set him to write this pamphlet." *Traded*.

strength upon this, and, upon their access to it, they seemed resolved to dispute the other clause; but it was waived, though only by one vote, to agree with the Lords. When the clause relating to the succession was read, Mr Christopher Mordaunt tried, if it might not be made a bill by itself, and was put as a clause in another bill, but seeing the house was resolved to receive both clauses, he did not insist on his motion. Every body was surprised to see a bill, that was begun in favour of the Jacobites, turned so terribly upon them; since by it a new security was given, both in England and Ireland, for a Protestant succession.

Thanks of the House given to the Duke of Ormond, the Earl of Marlborough, and Sir George Rooke] During this interval the House resolved once more, to give their Thanks to the Duke of Ormond, Sir George Rooke, and the earl of Marlborough. Which was done accordingly. To the lords Ormond and Marlborough, by a Commissioner appointed for that purpose and to Sir George Rooke from the chair, he being in his place. The Answer of the duke of Ormond was to this purpose:

"That it was the greatest honour which could be given a subject: that as for his part, he had done nothing, but what was his duty; that all the troops under his command behaved themselves very gallantly; and he desired to express his warm thanks for the honour the house had done him."

The Earl of Marlborough expressed himself on the same occasion as follows:

"That nothing could add to the satisfaction he took in the queen's most gracious service, but the obliging and favourable sense which that house was pleased to express of them, (his antecedent services) of which indeed, he was proud to be more truly sensible than himself. That, our success was chiefly to be ascribed to God's blessing upon her majesty's happy conduct, and the great bravery of her own troops, and those of her allies."

The Speaker's Speech to Sir George Rooke, and his reply, are as follow

"Sir George Rooke, you are now returned to that house, after a most glorious expedition, her majesty begins her reign with a declaration that her heart was entirely English, and heaven hath made her triumph over the enemies of England. For this, thanks have been rendered, in a most solemn manner, to Almighty God, these thanks yet a debt of gratitude to those who have been the instruments of so wonderful a victory, (the duke of Ormond, and yourself, who had the command of the sea and land-forces.) In former times, admirals and generals have had success against France and Spain alone, but this success at Vigo hath been a victory over those confederated together. You have not only spoiled the enemy, but you have enriched your own country, put men's estates long seized to the conquered, but you brought destruction upon them, and added strength to England. France had undertaken to support its ambition by the riches of India; your

captains, &c., each only left them the burden of Spain, and swept them of the assistance of it; the wealth of Spain and shape of France, are by this victory brought over to our poster cause. This is an access to glory in the performance, and as extensive in its consequence, that as all things will preserve the memory of it, so every day will revive us of the benefit.—*It is* *possible* *So*, but in France you are written a remarkable character in the black list of those who have taken French gold; and it is justice done to the duke of Orléans, and your aunt, that you should stand recorded in the registers of this house, as the sole instruments of this glorious victory; therefore the house came to the following resolution. *Resolved, was, &c.* That the thanks of this house be given to the duke of Orléans, and Mr George Rooke, for the great and signal service performed for the nation at sea and land: Which thanks I now return you."

To which Mr George Rooke answered in the following terms

"Mr. Speaker, I am now under a great delicacy how to express myself upon this very great occasion, I think myself very happy, that in trial and duty to your service, it hath been my great fortune to be the instrument of that which may deserve your notice, and much more the notice of your thanks. I am extremely sensible of this great honour, and shall take all the care I can to preserve it to my grave, and convey it to my posterity without spot or blemish, by a constant affection and zealous perseverance in the queen's and your service. But, no man hath the command of fortune, but every man hath virtue at his will; and though I may not always be successful in your service, as upon this expedition, yet I may prove to secure you, I shall never be the same again.—I must repeat my inability to express myself on this occasion, but as I have a due sense of the honour this house hath been pleased to do me, so I shall always retain a due and grateful memory of it, and though my duty and allegiance are strong obligations upon me, to do my best in the service of my country, yet I shall always take this as a particular try upon me, to do right and justice to your service upon all occasions."

Mr. Colpepper's *Prisoner*.] During the account, before us, Mr. Colpepper, who delivered the famous *Kenneth Proctor*,* and was under prosecution for the same, presented the house, that proceedings might be stopped, upon which he was called before the house, and being asked, Whether he was sorry for the several wrongs done, and various practices by him acted against the honour and privileges of that house, against the peace of the kingdom in general, and the quiet of his own country in particular. He replied, he was sorry. Upon which, a resolution passed to address the queen to stop proceedings, according to the prayer of the said petition.

The *Queen's Message to the Commons*, for an *Augmentation of the Forces*.] January 4, 1703. The Queen sent the following Message to the House of Commons.

"Her Majesty, having received several letters from the Senate General of the United Provinces, as also several memorials from their ambassadors, writing both the great apprehensions they lie under, from the extraordinary preparations of France to attack them early in the spring, and the necessity, as they suffered, of seeking an augmentation of the force, of England and Holland, so the only means to prevent the immediate ruin, which threatened their country, was planned therefore in proportionable expedients to the Senate General, which, she hoped, might have been of advantage to the common interest, and relieved them, in some measure, from their just apprehensions, without having recourse to her assistance. But those expedients, proposed by her majesty to the Senate General, not having produced the effect, she hoped for, and the States having renewed their applications to her majesty, with more earnestness than before, to assist them, in the time of their danger, with an augmentation of her forces, as the only means to resist the effect of those great and early preparations, which the French are making against them, her majesty has commanded the several letters, and representations, which have passed between her majesty and the Senate General, upon this subject, to be likewise transmitted to you, that you may the better judge of the danger, which threatens them."

"Her Majesty conceives this matter to be of such great consequence, as indispensably obliges her to acquaint you with the present state of it, that she may have your advice upon it; not doubting, but you will take such measures upon this occasion, as may be most for the honour and advantage of her Majesty, the safety of her kingdom, and the necessary support of her allies."

The *Commons' Address to the Queen* shews.] In compliance with this Message, the Commons presented the following Address

"Most gracious sovereign, We your majesty's most dutiful and loyal subjects, the Commons in parliament assembled, do beg leave to return your majesty our humble thanks for your majesty's most gracious consideration, in communicating to your Commons the several memorials, instructions and letters that have passed between your majesty and the Senate General, for the augmentation of your majesty's forces, which are to act in conjunction with the forces of the Senate General, by all which, your Commons are entirely convinced of your majesty's great tenderness for your subjects, in not laying a greater burthen upon them than the necessity of affairs does absolutely require.—And your Commons do humbly assure your majesty, that in every respect shall think it necessary to enter into any further negotiation for increasing the forces, which are to act in con-

* See vol. 3, p. 1130.

junction with the action of the States-general. On whose interest and preservation we shall always have the greatest regard; your Commons will enable your majesty to make good the same.—And your Commons do further once more humbly to beseech your majesty, that your grace will be pleased to repeat again at such the States-general, that there be an interdictan stop of all ports, and of all letters, bills, and all other extraneous debts, trade, and commerce with France and Spain, which your Commons are heartily of opinion it is absolutely necessary for carrying on the just and necessary war, wherein your majesty is engaged, to the interrupting the trade of your enemies, and reducing them to the greatest weakness, that your Commons do heartily desire, that England they not be charged with the pay of such additional troops, but from the day when such stop shall be made by the States-general."

The Queen's Answer. } To this Address of the Commons, her majesty was pleased to make the following Answer

"*Gentlemen,* It is with great satisfaction, that I receive this Address, which enables me to join with the States-general, in supporting our laws, according to their form. I make no doubt but the conditions, you mention, will be approved, since it is absolutely necessary for the good of the whole alliance; and I shall the next week discourse to my council in Holland, to concert with the States-general in providing the troops accordingly."

Narrative of the Commissioners for taking the Public Accounts, as relates to the Accounts of the Earl of Roanoke. } The report of the Commissioners appointed to take the Public Accounts, was a business that took up much time this session. They began with the Earl of Roanoke as Paymaster-general of the Army, and drew up the following Narrative or Report of their Proceedings; which Mr. Roanoke presented to the House of Commons on the 11th of November, viz.

"When your commissioners entered upon the execution of the trust, lodged in them by Act of parliament, they applied themselves, in the first place, to the examination of the general receipts and issues of the public revenue, for so long time past, as, they supposed, their commission would allow, and to the inspection of the particular issuing went of those offices, through which the treasure of the nation is conveyed into the Exchequer; and though it is little more than seven months, since they were first constituted, and some time was necessarily spent in many previous preparations, before they could enter upon business, as well as has afterwards by that interruption, which the making of a new parliament occasioned, yet they will in few days be ready to make you a report of their proceedings upon those matters."

"They resolved also to enquire into the management of the receipts at the Exchequer, and the disbursements of the treasury by warrant;

but this being a large field, and a work of great extent, they chose chiefly to apply themselves to the two great branches, the Army, and Navy; for the service of which, 47,874,000*l.* in 1701 have been paid to the several Treasurers and Paymasters, between the 5th of November, 1699, and Michaelmas last, of which the greatest part has not been at all accounted for.—On this score the earl of Roanoke, Paymaster of the Army, has received 15,518,100*l.* at 1*st*.

"Your commissioners began, as early as they could, to call upon his lordship, and the other officers concerned with the army, for those matters, they thought necessary, in order to the examining and stating his accounts, and being very sensible of his long experience, and great abilities, as well as of their own little practice in things of this nature, they endeavoured to collect such papers, and set such plans as others, in case, if fairly complied with, and possibly answered, but all eyes to their view."

"That your commissioners might the better judge what was proper for them to ask of his lordship, they sent to him, April the 10th, for a true copy of his commissions, together with such instructions, to be had at any time necessary, for the execution thereof."

"May the 15th, your commissioners issued a precept to his lordship, for answers to be exhibited, on Thursday, the 15th of June, according to the orders they presented him, of the balance remaining in his hands on the 5th of November, 1699; of all money he had received, between that time, and the 31st of December, 1701; of all deductions made from the regiments, and also of all his payments whatsoever."

"His lordship, in return to this precept, brought to your commissioners general abstracts of accounts with gross sums of his payments, and such as were in no respect conformable to the method they prescribed; and, seeing other things, his lordship saying the great pains and expense of time, it would require, to be so particular as they desired, that therefore the best possible might be given him, your commissioners only intimated, that he should make up for them such registered accounts, as the 1*st* of March, 1699, inclusive, as from that time he had been obliged to do by act of parliament. With this his lordship was sometimes pleased to say, he would comply, and immediately afterwards to affirm it to be impossible. They argued, that it was impossible for him to make out debentures, for clearing the regiments to this time, if he had not had all his payments upon account to them before him; and that the gross sums, delivered as to your Commissioners, must arise from particulars. At last his lordship owned, that in the books of his office they were contained, with all his payments in, and for the use of, the Forces, digested separately. Much time having been unproductively spent in conferences and letters, that no issue might be lost, nor his lordship put to the trouble of packing, as he

called it, these payments out of his budget, they desired, he would please to let them have the originals, and promised to take that labour off his hands.

"His lordship then began to dispute their authority to require any of these accounts, which had been laid before former commissioners, and some of which had been passed by the auditors: Through your commissioners' usual way leave to observe, that his lordship had already brought them abstracts of these accounts and never disputed their authority, all they called upon him to lay before them such further particulars, as they thought absolutely necessary for the perfect examining and true stating of them; and that his last account, he 25 months, ending the 31st of March, 1695, was not declared till after they had sent to him for his accounts, and very few days before he made his return.

"That your commissioners might be able to judge, whether the ledgers, as his lordship's office, would answer, what was expected from them, they sent, July the 2nd, a member of the commission, with one of the accountants, to inspect them, but his lordship refused to suffer it, and, after taking more than 2 weeks, to forward his account (which he had promised to do in two or three days) whether, by law, he was obliged to comply with what your commissioners had desired, or not. August the 10th, he sent them two books, but at the same time expostulated them by letter, that he thought it both unreasonable, and necessary, to take such abstracts, as might readily inform him, what they contained, should any misfortune happen to them. Upon which, your commissioners, taking into consideration his lordship's great care and caution, and the judgments he seemed to have of them, directed the books to be sealed up, and on one to be one of them, all the abstracts had been required and destroyed.

"His lordship's clerks were so negligent in their attendance, and so often ill, or out of town, that three weeks passed, before this could be finished; and then, upon your commissioners looking into them, it soon appeared, they were in no sort what they expected, or what his lordship had given them reason to believe they were.

"These disappointments discouraged not your commissioners, who desired his lordship some more to give himself the trouble of coming to them. With that he was pleased to comply; and they requested him, that they thought it reasonable for them to discharge themselves faithfully, and so your petitioners, unless they had the copies of the several payments more particularly stated; and asked he was pleased to distinguish, what he paid in cash, and what he had deducted for postings, hospital, arms, ammunition, transportation, bread, &c. His lordship said, that, as your commissioners would name any request, he could soon give them such an account of it: They then replied, if his lordship could do it in one instance, he might be able to do better with

more, so that in all the rest; and pressing him, for such accounts, he thought fit again to say, that he was not obliged to give them any for this year; but being asked, if that was his final resolution, he said, he would look for three scraps of paper, to see his own expressions, which Mr. Abbot perhaps might have left behind him, and endeavour to give them satisfaction. They let his lordship know, he should have immediately a concept, to this effect, from them; and accordingly, as soon as it could be dictated, and writ, it was dispatched to his lordship's office; but he had just before taken coach, and was gone to Chesham; and from that time they have had no such account from him.

"Notwithstanding all these defects, that your commissioners have laboured under, from the delays, neglects, and imperfect accounts, they have received from the payment of the army, and the little satisfaction they have met with, in their reports, from those other offices, that were lately instituted, as clerks and controllers upon the paymaster; yet, that nothing might be wanting, on their part, to discharge the trust reposed in them, they have examined, as well as they have been able, the paymaster's accounts between the 1st of January, 1695, and the last of March, 1695, and though they cannot pretend (so precise) you would perfect state of them, yet they shall humbly lay before you, what method they have taken, and what observations have occurred to them upon the said accounts.

"They have examined the end of Basing's Charge, which appears to consist of the following particulars:

Balance due from the Ac-	£.	s.	d.
ceptance at the foot of			
the preceding Account. - -	3,085	13	8½
The Exchange Charge - -	3,038,540	10	9½
What his Lordship voluntarily			
discharge - - - -	64,555	6	3
Balance received on Taliers,			
more than what his lord-			
ship brings to account - - -	4,544	8	3

"His lordship's Answer to the charge of interest, received on taliers, is, that these taliers were assigned over to several persons, who are all of the interest; and therefore he ought not to be charged with it. He alleges, that it has been his constant course, to wait his name upon the back of the orders, without any formal assignment; that these orders were then delivered to such, as had a right to receive them, with all the interest due from the date of them; and that upon examination, it appears, that when this money, due on such orders, has been received at the Exchequer, acquittances have been given over the paymaster's name, and he had received both principal and interest. Upon which, your commissioners observing what his lordship alleged, they thought it proper to inform him, to come prepared with evidence, to justify this manner of their charge (which) on which his lordship at

quand them, that Mr. Pigeon, his clerk, being out of town, he could not so soon be ready: And since that time they have never heard from him.

" That commissioners have still charged him with the interest, and they beg leave to take notice, that the method his lordship uses in his engagements of tallies, appears to them a practice very liable to fraud, and capable of covering any; and were no date of assignment appears, nor other more, but his lordship's, or his agent's, your commissioners conceive it their duty to charge him with all interest accrued upon the same.—If they are right in these particulars, then his lordship's charge for this time, as far as it has been in their power to state it, amounts to £,2264. 2s 3d. more, than he has made it.

" As to his lordship's discharge, they have at present, for the reasons before mentioned, only these following observations to lay before you: 1. That all the regiments, troops and companies, which were in the service of the late king James, and which is equivalent, had many Papist officers and soldiers in them, and were broke, and dispersed, upon the call of Freerichsen's disbanded the army on the 23th of December 1688, viz, by warrant upon his lordship's certificate of debts due, paid or to be paid to several days in January, February, March, and April, following. 2. That the warrants, for several such payments, have date, some a year, others two years, after the said regiments, troops, and companies, were disbanded. 3. That there are several warrants, for paying compleat numbers allowed on the establishment, notwithstanding any defect in, or want of muster-rolls. 4. That there is a warrant, dated the 17th of October, 1688, to the auditors of the Treasury, to allow his lordship the sum of 3144. which he had direction from his majesty to pay to several persons, without deduction. The auditors are not to charge the persons allowed with these sums or any part thereof; his majesty reserving the satisfaction of the particular disbursements to himself, or to such, as he shall appoint for that purpose. 5. That his lordship discharges himself of several sums, paid for keeping the lord Marbush's (now earl of Monmouth) and so John Guise's regiments, although your commissioners find, one of the vouchers in the account, had before this time, at the charge, the States General had been at in the revolution, and upon which you paid them 600,000. s for raising the regiments of the lord Marbush, or Robert Peyton, or John Guise, and others. And here your commissioners must observe, that the earl of Leven's regiment was paid from the 1th of November, 1688, the earl of Monmouth's from the 16th, and that of colonel Luttrell's, from the 23d, of the said month, though his late majesty landed in England on the 23d of November, five days before the second, and numerous days before the last. Besides, as to the payment of 1688, &c. to the earl of Monmouth, your

commissioners find the vouchers signed, and, they believe, writ, by the said earl himself; in which it is expressed, that part of the sum was received from Mr. Row, part from the Dutch paymaster, and the rest from the said Ranelagh: Now his lordship hath surcharged himself with what was paid by Mr. Row, but not (as he ought to have done) with what was paid by the Dutch paymaster. 6. They whereas his lordship discharges himself of several sums, paid by warrant to captain Matthew Smith, captain Anthony Power, and captain Henry Davies, and has passed his accounts for the same, by vouchers under their hands, the said captain Smith and Davies have made positive oaths, that these hands are forged; and your commissioners have reason to suspect, that captain Power's hands be not; and, as an undoubted evidence of this fact, in what concerns captain Smith it appears in your commissioners, that, after his lordship had made use of the voucher, in order to stop a complaint, which was coming into this house, he made up captain Smith's accounts, and paid him the balance. 7. That some of his lordship's vouchers for payments are only loose papers, not less warrants, with a note, and nothing more, writ on them. 8. That the payments differ very much, in some particulars, from the establishments. That there are releases in about warrants, and very extraordinary payments directed in others; of which your commissioners will give you the instances, when you please to request them. 9. That his lordship charges himself, for interest received 3144. due immediately upon tallies, transferred over to sir Joseph Home your commissioners find a warrant, signed by the late king, for allowing the earl of Ranelagh this sum, as paid to George Clark, esq. for secret service, together with another sum, paid to Radolph Rice, of two thousand pounds, without account; and also a petty seal, dated the 18th of June last, for the auditors to allow his lordship the same, upon his account: And, upon further enquiry, it appears to your commissioners, that the said sum of 3144. (the only account his lordship brings to account) was never paid, as is pretended, to George Clark, and that his name was only used in trust for his lordship, who had the name to his own proper use. 10. That, whereas his lordship discharges himself by payments to colonel Cunningham, and so lieutenant-colonel St. John, each 10000. your commissioners are not very well satisfied with his lordship's vouchers for the same, and are making further inquiry into that matter; but, in the mean time, they think themselves obliged to acquaint you, that col. Cunningham hath made oath, that he repaid to the earl of Ranelagh 10000. on three shillings, in part of the 10,000, which had been reported to him; and that, your commissioners observe, his lordship ought to have surcharged himself with

" To their observations, upon these accounts, your commissioners have only the

all the other officers, which he found to be wrong, what he then entered upon it; by which means his books are not in so good order, as he would wish they were; but, whatever trouble this causes to him, he will not be content sure, that the public shall not suffer by it.

In the 2d place, he must observe, that several millions of the arrears were received by us, were received and paid out by his deputation in Holland, Flanders, Germany, and the West Indies: that this variety of payments, to go every place, both, as long away, he believes, longer, was confined to his vouchers, which, however, he does not doubt is set right, though with great trouble.

That the said Paymaster hath next to observe, is, that the paper, in which he is to present his bills, first, a narrative of proceedings before the seven commissioners, and then accounts, his observations of them upon his accounts, passed, and declared: finally, some amendments, not numbered, on his accounts, not yet passed.

As to the Narratives, the said Paymaster observes, first, pursuant to a letter of theirs, dated the 15th of April last, desiring a true copy of his remittance, he sent them his two original patents, under the Great Seal of England; the one, from the late King James; the other, from the late King William.

He says, that he received a precept from them, dated the 15th of May last, requiring him to exhibit to them, on Thursday, the 25th of June following, according to the orders therein prescribed, the balance remaining in his hands on the 31st of May, 1699, and accounts of all his receipts, and payments between that time, and the 25th of Dec. 1699.

He says, that, in pursuance of his precept, he attended the said commissioners on the day appointed, and then delivered to them a paper, entitled, A State of the Accounts of Richard Earl of the Duke of Devonshire, &c. &c. of his Majesty's Grace, from the 1st of January, 1699, to which day he first entered upon the execution of that office in the last of March, 1699, inclusive, being six years and three months: as also a state of the payments, deducted by him within the same time: the said paper being three, that, by that State, they might see, at one view, the whole of his receipts, and payments, within that time: which could not be clear to them by any State, beginning from the 1st of November 1693, as he is directed: since the balances of his accounts, preceding that period, would not appear. He likewise said there, that his accounts, for the said six years and three months, were, in number, seven, and were all actually passed, and declared: and that he had a particular upon each of them: and he then delivered to them true copies of the said seven accounts, in short abstract of his account, lying by, in Mr. Andrew Dodges, from the 1st of April, 1699, (being the first day after his accession, according to the Statute) to the

the last of September, 1699, inclusive, and an abstract of his account, lying before Mr. Andrew Dodges, from the 1st of October, 1699, to the 15th of March, 1699, inclusive, each of the said two accounts being for three years and six half, each, seven years; his receipts, and payments, for that time, being divided into the said two accounts, by order of the then Lord Commissioners of the Treasury, that as both the accounts might proceed to examination and state, the said two accounts, at the same time, for the more speedy dispatch of them. He also then said there, that he was making a 3d three further accounts, which should contain all his receipts, and payments, from the said 25th of March, 1699, to the 25th of December, 1701, being two years and three quarters: so that, in these several accounts, the said two declared accounts, the said two accounts, lying before the two nations, and the said three accounts, preparing, they might see all his receipts, and payments, from the 1st of January, 1699, to the 25th of December, 1701, being six years; he desiring nothing more, than to lay all his public transactions plainly before them: and at the same time be delivered to them a current account of his receipts, and payments, from the said 25th of December, 1701, to the 25th of June, 1699; he being required so to do by one precept of theirs: and, on the 25th of June last, he sent them, as then directed, the original parchment duplicates of the said seven declared accounts, which the said Commissioners, however, are pleased to call general abstracts of receipts, with particular of his payments.

On the 26th of September last he sent to them the three accounts, which, he told them on the 25th of June, he was making ready; which contained his receipts, and payments, from the said 25th of March, 1699, to the 25th of December, 1701: and which he could not pass; as a trade was, by reason of the multiplicity of his other public business; particularly, for his being obliged, by act of parliament, to make out all the debentures payable out of the interest lands in Ireland, by the 25th of September last: which was a very tedious, trouble some, and voluminous work: and on the said 26th of September last he likewise sent them a current account of his receipts, and payments, from the 25th of June last, to the 1st of September last: so that he can shew you, he made as much haste, as possibly he could, to comply with their several precepts; and he did it on short, that, having thus laid all his accounts before them, they would have applied themselves to examine, and state, each of his accounts, as were not passed, and declared: which were five in number, and contained, in all, almost, all his receipts, and payments, from the 1st of April, 1699, to the 25th of December last, being six years and three quarters: his receipts, for that time, amounting [to] 130,000, 145, or 50. But the said Paymaster also told, that the Com-

masters, instead of proceeding upon his said four accounts, not yet passed, were resolved to lay open, and unravel out of his seven accounts, passed, and declared, and upon each of which he had a *quittus est*, the said four accounts beginning from the 1st of January, 1687, and ending the last of March, 1690; for, as the 27th of June last, being but two days after he had delivered them to many of his creditors, as aforesaid, they sent him a precept, to make up represental accounts, for the time of the said four accounts, in the same manner, as he was required to do by act of parliament, and had since from the 1st of April, 1690, to the 25th of March, 1691; and the next day, when, by summons he was sent to them in their office, they insisted upon this direction: to which the Paymaster answered, that the Act, which required represental accounts for the time aforesaid, did not look back, beyond the 1st of April, 1690: that the reason of its requiring such accounts for that time, was, because the army had not been cleared between the said 1st of April, 1690, and the said 25th of March, 1691, which money could have no operation in what they now directed, since the army was cleared in the last of March, 1690: that, when he passed the said four accounts before the auditors, he had delivered up all his vouchers, relating to them; which made it almost impossible for him to comply with their direction: that, though he took night, in some manner, to do his commissions, yet, he could not, in justice to himself, and fairly, consent to lay open his accounts, upon which he had his *quittus est*. He likewise told them that, or soon after, that he did not deal (with great submission to them) that does had any authority to unravel passed and declared accounts, and that none of the six former Commissioners of Accounts had ever pretended to do it.

Upon this they required him to send them the original ledgers of his office, from the 1st of January, 1687, to the last of March, 1691; that so they might extract and bring out of them such represental accounts, as they desired. To this he answered, that he had no double ledgers for their perusal: that ledgers were no public books, but only helps to an account, to write accounts with his master: that they could neither charge, nor discharge, an account, before an auditor; and therefore they were never offered, or accepted, or vouchers; and after saying other particulars of the kind, he told them, that, since it was plain, they required them, in order to unravel them, and lay open, he said four accounts, passed, declared, and upon each of which he had a *quittus est*, he could not part with them; neither did he think (with great submission) they had any authority to require them, since of the six former Commissioners of Accounts having ever demanded them.

On July the 3d they sent one of their number to his office, with a precept, directing the Paymaster, and his deputy and deputy,

his clerk, or clerks, belonging to him and others, to permit and assist the said commissioners, and Mr. Cartwright, their surveyor-accountant, to inspect the ledgers and journals of his office, which contained the receipts, and payments, from the said 1st of January, 1687, to the last of March, 1690: to which precept he returned an answer, which the said commissioners wrote down: the substance of which was, That he hoped, they would not take it ill, if he did advise with counsel, whether any of his accounts, passed by the masters, could be laid open by their authority, especially, were the said accounts, before declared, had been laid before former Commissioners of Accounts. Never demanding this answer, they sent another precept to him, dated the very next day, requiring them all books to be laid before them the next morning, and by a letter, dated the day following, being a Saturday, he was summoned to attend them in their office on Monday morning, when and where they repeated their earnestness to have the said ledgers, and he still insisted to have time to advise with his counsel: upon which they told him, that, since that day, they intended to make a room for three weeks, or a month; that they hoped, he would advise with his counsel in due season time; and then, if he was advised to deliver the said ledgers, their secretary, Mr. King, would be in the way to receive them, and to give a receipt for them. To this he answered he would lose no time in taking advice, nor in delivering his books, if advised to do so. Accordingly, the Wednesday following, he ordered to meet with two gentlemen, who have always been his counsel, but found, they were both gone out of town, to attend their elections; where they staid till the beginning of August; on the 4th of which the commissioners, being likewise returned, sent him a precept, requiring him, on Saturday following, to exhibit his said original ledgers to them, or his reasons, in writing, why he refused them; which order they repeated, in their letter of the 25th of that month. On the 25th of that month he sent them a letter which told them, that the reason, they had not sooner heard from him, was, his counsel's being out of town: that, though, upon their return, they had both agreed in opinion, that the present commission of accounts gave no authority to lay open any account, passed, and declared, which had been before the former commissions of accounts, nor to demand the ledgers of any accountant (they being not public books); yet, to show his readiness to give them any satisfaction he could, he had sent them his two original ledgers, from the 1st of January, 1686, to the last of March, 1688; and, that he should have sent them sooner, had he not thought it reasonable to take such notice of them, as might inform him, what they conceived, should any satisfaction happen to them: which word "*Multitudo*," he afterwards avers, was not used by him, out of any jealousy of the honorable commissioners, but

for the sake of their army appointment, who had most ungenerously and uncharitably behaved himself towards the said Paymaster for some years past.

"The foregoing particulars, though many, the said Paymaster thinks necessary to lay before the honorable house, that they may be thereby truly informed, from whence the disputes and differences have arisen between the Commissioners, and him. As to his part, he humbly leaves it to your judgment (in which he will always readily submit) whether he was in the right, to insist, that they have no authority, by their commission, to lay open any account private, and declared, and which both heretofore have remained by way of the six former commissioners of accounts: but, that money not be thought, he starts the question, in order to shew himself against answering the particular questions in their Narratives, he will now leave it to return a particular answer to each of them.

"As to the charge of his late declared accounts, which begin from the 1st of January, 1801, and end at the last of March, 1802, the commissioners make it consist of the following particulars.

Balance, due from the Accountant, of the preceding Account - - -	£. s. d.
The Exchequer Charge - -	8,705 13 9
What his Lordship voluntarily charges - - -	3,839,180 18 0
Interest, returned on Tallies, more than what his Lordship brings to Account -	64,250 + 5
	4,544 8 5

"To this the said Paymaster answers, that he makes no objection to the first of the said four sums, being 3,839,180 £. s. d. due to the third of the said sums, being 64,250 £. s. d. but to the second, being 8,705,180 £. s. d. he objects, and says, that this sum, by the said charge, is but 2,791,000 £. s. d. which is what of the commissioners' and says, by 47,000 £. s. d. The reason of which difference is, because the said 47,000 £. s. d. though received from the exchequer in January, 1801, yet it was used to him, to clear the estate interest to the last of December, 1801, and he is charged with it in his account then ending, and consequently, he ought not to be charged with it in his account from that day: and the right honorable the lord Mulhalla, when he referred to the commissioners his account of the Paymaster's receipts, between the 1st of January, 1801, and the last of March, 1802, told them, that that was the work of the last; and, for a further confirmation of it, the total of the Paymaster's charge, from the exchequer between the 1st of January, 1801, and the last of March, 1802, agrees to a farthing, with the total, charged by the said sum for that time, which is all taken into his own declared accounts.

"To the 4th sum he likewise objects, being 8,705, £. s. d. alleged to have been by him

for interest on tallies, more than he hath accounted for; because he is positive, he never required that sum, nor any part of it, but the said sum was received by the several persons, in whom those tallies were assigned by him: who had a right to receive them, with all the interest due from the date of them. He further says (as the Commissioners have very faithfully reported) that his constant course hath been, as it always was in the Pay-Office of the army and navy, to write his name only upon the back of the orders, without any formal assignment; and that, upon examination, it appears, that when the money, due on such orders, hath been received at the Exchequer, Assignments have been written over the Paymaster's name, as if he had received both principal and interest. Thus he hath discovered an several orders, which, in part, make up the said 4,544 £. s. d. and he is in possession of the rest. In the mean time he humbly conceives, he ought not to be charged with that sum, in regard that, by a clause in an act, for making good deficiencies, passed in the last parliament, the account of interest, received by paymasters (alany) is to be brought into their final accounts.

"And that is all the said Paymaster hath to offer, in answer to that part of the Commissioners' narrative, which relates to the charge of his late declared accounts, from the 1st of January, 1801, to the last of March, 1802.

"As to the discharge of his late four accounts, three Observations, and his Answer to them, are here set down in order, as follows:

First, that all the regiments, troops, and companies, which were in the service of the late king James, and which it is necessary, had many papist Officers and Soldiers in them, and were broke, and dispersed, upon the earl of Forster's disbanding the army on the 10th of December, 1688, was by warrants upon his lordship's certificates of disbanding, paid complete to several days in January, February, March, and April, following.

"To this observation the said Paymaster answers, and agrees, that there were several papist Officers and soldiers, in the regiments, troops, and companies, which were in the service of the late king James: he likewise agrees that several of the said regiments were disbanded by the earl of Forster on the 10th of December, 1688: but he says, that the late king, the then Prince of Orange, did the very next day issue a declaration, setting forth, that, he being informed, that divers regiments, troops, and companies, had been encouraged to disperse themselves in an untimely and irreparable manner, whereby the public peace was very much disturbed, he had thought fit thereby to require all colonels, and commanders in chief, of regiments, &c. to call together the several Officers, and Soldiers, belonging to their respective regiments, in such places, as they should find most convenient for their rendezvous, and there to keep them in good order and discipline.

make together £8,810) may seem improper in his pocket out of the paymaster; but the account, they will see, was, because there was no petty and is being, but that of the Paymaster's of the army, when those payments were discussed; and we fully can think, that even in these few pages could be contained, such a business requires as much, as he should appear in duty require. And as to the debt was, being the great was, paid to Vanderkolk, it is well known, that his late master would not, for every penny that his master was to the crown, and his Dutch to consider to be received, or paid, as according to their own method; and therefore, not only in the warrant, but in several subsequent warrants, relating to the payment of his and Dutch forces, his and master always reserved the said Vanderkolk's account to his own examination."

Tidely, That his lordship discharges himself of several sums, paid for keeping the lord Mordaunt's (now earl of Peterborough) and six John Gould regiments, although your Commissioners had one, of the articles, in the account, had before this house, on the charge, the "General had been at in the resolution, and upon which you paid them £10,000, is for raising the regiments of the lord Mordaunt, or Robert Peyton, or John Gould, and others. And here your Commissioners must observe, that the earl of Leicester's regiment was paid from the 1st of November, 1688, the earl of Monmouth's from the 10th, and that of colonel Luttrell's from the 25th, of the said month, though his late master, landed in England on the 24th of November, 3 days before the 24, and 19 before the last. Besides, as to the payment of £2,810 to in the earl of Monmouth, your Commissioners had the vouchers signed, and, they believe, not, in the said earl himself, in which it is expressed that part of this sum was borrowed from Mr. Howe, part from the Dutch Paymaster, and the rest from the earl of Rosburgh. Now his lordship has discharged himself whether was paid by Mr. Howe, but not, as he ought to have done, with what was paid by the Dutch Paymaster.

"To this observation the said Paymaster answers, That he has lately seen no account, had before the house of Commons on the 14th of March 1688, of the charge, the States General had been at in his late master's expedition for England, for which that house paid them 800,000*l* in which account there was the following article:—"Several charges to those, that followed his majesty, and in the forces, that came over, and also in the raising the regiments of the right honourable the lord Mordaunt, or Robert Peyton, or John Gould, and others, 214,000*l* guilders."

"But the Paymaster never yet heard, nor indeed was it any ways material for him to inquire, what part of that sum was paid to the States' charge, mentioned in that article, for raising their regiments. Here he is, that what he charges, as paid for his money in the said

three colonies, was a very considerable sum, and not sufficient according to the latest allowance, to raise three companies; for what he charges, as his 19 months account, ending the last of April, 1689, in which this observation refers, is not but 200*l* only 100*l* to my lord Mordaunt's regiment of Artillery, and 100*l* to colonel Luttrell's regiment, and his late master's warrant, who shows the allowance of 10*l* for a company, says, that he was particularly pleased to allow the said three colonies the said 200*l* each, to buy money, for supplying their respective regiments. So that nothing is changed by the Paymaster, for raising the said three regiments. And as to that part of his observation, which says, that my lord Leicester's regiment is paid from the 1st of November, 1688, the earl of Monmouth's from the 10th, and that of colonel Luttrell's from the 25th, of the said month; the Paymaster answers, that he was positively directed, by warrant under his late master's hand, to compute the said three regiments from those respective days, as in the said warrant will appear. And as to the objection, which shows the 24th observation, viz. That the Paymaster ought to have discharged himself with what the Dutch Paymaster paid my lord Mordaunt as part of the 1,881*l* to, as well as he hath discharged himself with what paid by Mr. Howe, as part of that sum; the Paymaster answers, that he cannot imagine, how the Dutch Paymaster's name came to be mentioned in the said warrant; nor can the said earl (who has been spoke to in that matter) recollect, how he came to mention his name. Besides, it appears by a certificate, herewith annexed, under the hands of Mr. Bokman, who was deputy to the Dutch Paymaster from the 24th of Nov. 1688, that the said Paymaster never paid my lord Monmouth any money whatsoever, for his regiment, between the said 10th November, 1688, and the last of April, 1689."

Lastly, That, whereas his lordship discharges himself of several sums, paid by warrant to captain Matthew Smith, capt. Andrew Power, and captain Henry Davis, and both proved his account for the same, by vouchers under 100*l* heads, the said captain Smith and Davis have made gesture calls, that their hands not signed, and your Commissioners have some reason to suspect, that captain Power's hand is so to — and, as an undeniable evidence of this fact, is what concerns captain Smith's; it appears to your Commissioners, that, after his lordship had made use of the voucher, in order to stop a receipt, which was coming into the house, he made up captain Smith's account, and paid him the balance.

"To this observation the Paymaster answers, That there was a warrant, signed by his late master dated the 25th of February 1688, directing him to pay to the advanced three companies, for the pay of themselves, and the three independent companies under their command, from the several days in October, November,



and December, 1854, on which they were
then mastered, to the favor of their defendants
(which was on or about the 31st of January,
1855) the same following: viz.

	£.	s.	d.
To captain Mark Smith	427	13	8
To captain Arch Power	221	13	8
To captain Henry Davis	250	7	8

Total 905 34 4

" That the said sum of £427 13s. 8d. is
charged, as paid to the said three captains, ac-
cording to their respective proportions above-
said, in her account for 18 months, which ended
the last of April, 1855. That the said sum, so
charged, was vouchers by the original warrant
of his late majesty upon the back of which the
said three captains' names were endorsed: That
the said 18 months' account has been proved,
and declared, every penny on or, and some of the
said three captains ever can plead, or pretend
to say that their names, endorsed upon the
said warrant, were not their own hand writing,
all those, who had been employed by the Pay-
master in the management of the business of
his office, in the years 1853, 1854, and 1855,
were all dead, but who, when living, were
known to be men of undoubted integrity; and
therefore it cannot be presumed, either on jur-
ment, or reason, that such men, through whose
hands this warrant passed to the auditor, would
be guilty of counterfeiting names upon the back
of it. Besides, it is to be observed, that capt.
Arch Power, one of the said three captains,
never made any complaint, that his name was
counterfeited, so that there was not one forth-
ing upon of the £221 13s. 8d. charged to his
account; and that, when capt. Matthew Smith,
another of the said three captains, did present,
in the year 1855, that his name was counter-
feited had that he had not received the full of
the said £250 7s. 8d. charged to his account
he then claimed for £21. 3s. 11d. as unpaid of
that sum; which £21. 3s. 11d. the said Pay-
master's deputy, Mr. Mortimer Abbot (being
dressed with his chambers in parish-sty) paid him
out of the said Paymaster's private money,
telling him, when he did so, that he thought it
was better for his service, to give that sum,
than to have it in some inconvenient place of
deposit, with a complaint from so near the
said sum, as captain Smith, who, upon
receiving that sum from the said Mr. Abbot, gave
the following acquittance, ready to be produced:

" Received from the right honorable Richard
earl of Beaulieu the sum of £21. 3s. 11d.
being the balance of a warrant, for my inde-
pendent company's pay, dated the 21st of Feb.
1855, his lordship having formerly paid it to
me very wrong, without my acquittance, or re-
ceipt, but upon an acquittance, to which my
name was set, but was not my handwriting;
whereby both his lordship, and I, have been
cheated. Witness my hand the 20th of March
1855. M. SMITH."

" This is the truth, as to captain Smith; who
certainly received the said sum of £21. 3s. 11d.

world, by his complaining of, and swearing
against, the Pay office, after he had been so
well used there. As to captain Henry Davis,
the third of the said three captains, and one of
the two law-officers, his case is as follows; he,
being made a captain of an independent com-
pany in October, 1855, did, by a letter of in-
terim, in the said term, dated the 11th of
said month, procure over Mr. Mortimer Abbot
leave to go out, which letter of attorney was
arrived at large in a book of the Pay office, and
when the said captain did, about two years
since, protest, that he came, on the back of
the said warrant, was counterfeited, and that
some part of the said £250. 7s. 8d. directed he
had by the said warrant, was still unpaid, and
due to him, he was shown the entry of his said
letter of attorney, and the original receipt, signed
by his said agent, Mr. Frederick Maclean,
for the said full sum of £250. 7s. 8d. and in that
time there was a gentleman present, who had
been his lieutenant, who very well knew the
said Mr. Maclean, was acquainted with his
hand, and declared, before the said captain
Davis, and several others at the office, that he
very believed it to be his of the acquittance, and
some were Mr. Maclean's own writings, and
which the said captain then made no objection.
This being the matter of fact, which your Com-
missioners might have known, had they been
pleased to have heard the Paymaster upon the
observation, before they made it, he must now
hardly desire the house to consider, of what
total consequence it may be to the public, if
now he is allowed to swear themselves and a
class of society, by denying their hands in
warrants, delivered by an assumption to be
auditor 10 or 15 years ago, and for which he
has a legal discharge, and how respectable, or
other a credit it is that an officer, which, dur-
ing the said Paymaster's management, has re-
ceived and paid more than one-and-twenty mil-
lions, with out any reference upon it, should be
guilty of the heinous pretence, for so we must
denote a sum as £21. 3s. 11d. To which he
has thus only farther to add, that it is neither
just nor reasonable to suppose any principal
officer for commissions, supposed to be com-
mitted (nor indeed, though actually committed
by any of his inferior officers); were it not
be presumed that any principal officer can be
always inspecting their proceedings, and any
Paymaster pretend to judge of the value
of hands, which go through his office."

Secondly. That some of his lordship's
recorders for payments, are only loose paper
and warrants, with a name and county
more, and no more.

" To this observation the Paymaster answers
That such as are acquainted with business of
that nature, know it to be no unusual thing, and
the only signing the back of a warrant, or writ-
ing a name on a loose paper, to put into a war-
rant, by a person who is empowered to receive
the money, has always been considered a good
sufficiency, and allowed as such."

Eighthly, That the payments differ very much, in many particulars, from the establishment: That there are arrears in some warrants, and very extraordinary payments directed in others, of which your Commissioners will give you the particulars, when you please to require them.

“ To the observations the Paymaster answers, That no doubt, in some cases he has made payments which differ very much from the establishment: which might not to be reckoned as a fault in him, when it is visible that the said difference is occasioned by warrants: For, though he is obliged strictly to pursue the establishment, where he cannot interpret: yet, where warrants direct him otherwise, he is obliged to obey the warrants: and, [at] two establishments separate mention is the whole, as a warrant, signed by the same authority, supersedes any establishment as past, and both or both accounted, for what it contains, in relation to the establishment itself: and where there are warrants, which direct very extraordinary payments, the Paymaster is not to be blamed: since he has nothing to do, either in preparing or procuring those warrants. And as to the moneys, which the observation says, are in past warrants, the Paymaster knows nothing of it: and he dares not, that, if any such be, they were made before they came to his office, and he says, in any material matter, after the issuance of the warrant: for then he should have taken notice of them as far, as not to make any payment upon them.”

Ninthly, That his lordship charges himself, for interest received, 500*l.* does interest only upon letters, transmitted over to Mr Joseph Hume: Your Commissioners find a warrant, signed by the late King, for allowing the Earl of Sandwich the sum, as paid to George Clark, Esq. for secret service, together with another sum, paid to Rudolph Kers, of 2,000*l.* without account, and also a privy seal, dated the 24th of June last, for the soldier to whom his lordship the sum, upon his accounts: and, upon further enquiry, it appears to your Commissioners, that the said sum of 2,100*l.* (the only interest his lordship brings to account) was never paid, as is pretended, to George Clark, Esq. but the same was only used as credit for his lordship, against the same to his own proper use.

“ To the observation the Paymaster answers, That he freely owns what-ever is said in it, relating to the 2,100*l.* particularly, that the said sum was granted by his late majesty to George Clark, Esq. in trust for him: he further says, that the warrant, granting the sum, was dated the 24th day of March, 1704, and countersigned by the then lords of the treasury: That his petition, drawing it, was publicly read in the Treasury Chamber, and the consideration, upon which he drew it, was the protection he had received by the late war a lordship: having had his two coats of Arms and Escutcheons entirely destroyed, his standards burnt to the ground, and upwards of 12,000*l.* of his

revenue then long since entirely lost. And as to the 2,000*l.* mentioned in this observation, we paid to Mr Rudolph Kers without account: he says, it was for his late majesty's own private use; that he, the said Paymaster, never saw one shilling of it: and that the warrant, which allowed him the payment of the sum in his account, was drawn the 10th of February, 1694, and countersigned by the then lords of the treasury, who will bear, that his said late majesty had then a pressing occasion for that sum.”

Tenthly, That whereas his lordship discharges himself by payments to Colonel Cunningham, and to lieutenant Colonel John, each 2,000*l.* your Commissioners are not very well satisfied with his lordship's vouchers for the same, and are making further enquiry into that matter: but, in the mean time, they think themselves obliged to acquiesce you, that Colonel Cunningham has made such, that he repaid to the said Earl of Sandwich 1,500*l.* as above-said, in part of the 2,000*l.* which had been imposed to him: and that, your Commissioners conceive, his lordship ought to have discharged himself with.

“ To the observation the Paymaster answers, That, pursuant to two warrants, signed by his [late] majesty, and countersigned by the then lords of the treasury, the one dated the 14th of March, 1694, and the other, the 10th of April, 1694, he paid to Colonel John Cunningham, and lieutenant Thomas John, 2,000*l.* each, without account, he being directed by the said warrants so to do: that their receipts for those sums are ordered on the back of the said warrants, and are proved and allowed to him, in his 16 months account, ending the last of April, 1694, which has been passed and declared many years since; and therefore he cannot well understand, what the Commissioners mean, by saying, they are not very well satisfied with his vouchers, and that they are making further enquiry into that matter: and as to their saying, that Colonel Cunningham has made such, that he repaid the said Paymaster 1,500*l.* or thereabouts, in part of the said 2,000*l.* the Paymaster answers, That, though, in the paying of more than one hundred twenty millions of money, he has paid many and great sums to several persons, whose accounts, yet he never knew any one of them, who returned it in, return any way falling of it again: and he further says, That Colonel Cunningham's cash (who has been for many years in great distress and want, and is still a prisoner for debt) is not to be regarded; for certainly, if he had repaid the sum promised, he would have produced the said Paymaster's acquittance for that sum: it being absolutely incredible, that such a sum as 1,500*l.* or thereabouts, should be paid by any one man living to another, without a receipt for it.

“ And now the Paymaster, having thus humbly offered to the honorable house, his answers to the *re. Observations* of the Commissioners of Accounts, shall try how to observe to you, That all the said *re. Observations* relate

in four of his seven accounts, which are passed and declared, and upon each of which he has a Quotum rati; and therefore, with great submission, he is humbly of opinion, that the said Commissioners had no authority to answer them, for the reasons which he shall humbly offer to your consideration and judgment at the end of this paper. In the mean time he will apply himself to answer that part of the Commissioners' Narrative, which, though criticised, follows the said two observations."

The first paragraph is, That in their said observations they have only this further to add, That the end of Houghton makes a balance, due to himself, of 185,388 l. 10 s. 6 d.

"To this third paragraph, which seems to imply, as if the Paymaster was not enough to credit the government with to great a sum, the Paymaster answers, That at the last of his last declared account, which ended the 31st of March, 1693, there is written, "And thus the 1 and accompt as will be in surplusage this, 1688 l. 10 s. 6 d. stands in the language of his auditor, is saying, that the payments, in that account declared, exceeded the sum drawn of rather the more of that account, so much, and it is the auditor who stands under the balance, and not the accountant; and when the payments in my declared account exceeded the receipts, it is well known that those payments have been made with public money, returned after the period of time which ends the said declared accounts; and no accompt is ever given the ruler for having a balance due from him, except at the last and final account: for, in the first note, he makes his surplusage part of his discharge in his next succeeding account; paid, in the other case, he makes the balance due from him part of his charge, and, for proof of this, the Paymaster needs only to observe, that, though that great sum of 304,388 l. 10 s. 6 d. was his surplusage on the last of March, 1693, yet, in his next succeeding account, which is now under the examination of Mr. Andrew Bridges, he is debited, as far as yet appears, somewhat above 30,000 l. And in that he came paid, (though with what he says is) that he was never yet in a condition to have money, humbly having always had him to spend his revenue."

The next paragraph says, That the entry was placed in the beg. of March, 1693, and therefore they made that the last period of time for examining the Paymaster's accounts. That they have not been able to peruse much further upon those which follow, and which seem to be laid before them very confused and imperfect, and, upon the hole inspection they have made into them, they observe, the Paymaster's discharges are generally by payments of great sums, upon account, either by payments in several periods for services, and on several occasions, without specifying the services or occasions. Particularly, he discharges himself in great instalments, thus:

Paid to several persons, for			
special services, and for			
money, Disbursements for	£.	s.	d.
special Services, relating			
to the Forces - - - -	27,150	10	2
Paid several persons, for Com-			
missions of distant services	26,368	12	34
To M. Schuylenburg, for se-			
veral sums directed by			
him, for several services re-			
lating to the Forces - - -	70,477	2	84

"To this paragraph the Paymaster answers, That the words, "were conferred and reported" are not constantly applied to his sums, all his said accounts have been thoroughly examined; which, the Commissioners are pleased to say, they have not yet been able to do. That the entry has not been cleared between the 1st of April, 1693, to which day they are directed, and the 26th of March, 1693, is a reason, and therefore, whenever both been paid them within that period of time (being seven years), are paid them upon account, and most consequent, to be charged, as he paid, on the Paymaster's accounts. And as to the three instances given, that the Paymaster charges payments to several persons, and on several occasions, without specifying the services, or occasions; the said Paymaster answers, That the first sum (instated, being 27,150 l. 10 s. 2 d., in an article in his account, which begins from the 1st of October, 1690, and ends the 26th of March, 1693, are under the examination of Mr. Andrew Bridges, of a job he delivered an abstract to the Commissioners on the 24th of June last, and though, in that abstract, this sum is mentioned only in general, in word perplexity, yet in the account, delivered to the said Auditor in Dec. 1690, the particulars, making up that sum, are enumerated, being about seventy in number."

"That the second sum instated, being 26,368 l. 12 s. 34 d. and 70,477 l. 2 s. 84 d. are confided in his account, which begins the 1st of April, 1693, and the last of September, 1693, are under the exam. instated of Mr. Andrew Bridges, at which he also delivered an abstract to the Commissioners on the said 24th of June last; and though, in that abstract, the said two sums are only mentioned in general, in word perplexity, yet in the account not delivered till the end of November, 1701, the particulars, making up those two sums, are enumerated, being 310 in number, of three kinds."

"And the Paymaster further says, that the Commissioners have not made an abstract before them, of his accounts, delivered to him, or abstract, to Mr. Andrew Bridges, but they have also had, for some months past, the 3d and account, and they having sent to the said Auditor the 2d by which they may be easily satisfied of what is here asserted."

The third paragraph, which speaks particularly, is, That the Paymaster has kept a very a balance, due from him, of 30,000 l. 10 s. 6 d. and that in another account he makes the

balance due to himself, 28,236*l.* 1*2s.* has been carried to the following account 28,423*l.* 12*s.* 11*d.* which, according to his own calculation, is more than it ought to be, 28,345*l.* 1*s.* 11*d.*

—To this paragraph the said Paymaster answers, first in general, That no accountant can ascertain the balance of any account, whilst it is under examination, since it is the Auditor, as before hath been observed, who shows what the balance, due either to, or from, the accountant; and it is a justice, which hath been always done to an accountant, to leave his account open, for some time after the delivery of it to an Auditor (especially when the account is for great sums, and for a long period of time) that so the accountant may have time and liberty, to add any articles omitted in the first delivery, either to his charge, or discharge.

—He farther says, That he never yet knew an Auditor forget to carry the balance, due at the last of one account, to the charge of the next succeeding account, nor did any Auditor, as he hath heard, ever show a balance due to an accountant, beyond what his discharge, well vouched, made it. And the Paymaster, having said this in general, begins to answer the particular reasons in this paragraph.

—In order to which, he must first humbly acquaint the honorable house, that he hath delivered to the said Commissioners two accounts of his receipts, and payments, from the 1*st* of April, 1682 (to which day his recorded accounts go up) to the 24*th* of December 1684, some of which are yet passed, and declared, the two first of them depending before the two last, as before hath been said, and the three last are being yet delivered down, by reason they cannot properly take their true date consideration, till the said two first are ready for declaration, and if the three last accounts were passed pursuant to the Commissioners' precepts, and not as present was done, in order to show them the state of his receipts, and payments, from the 24*th* of March, 1685, to Christmas, 1704; which, as far as the said Paymaster can compute, is very near balance with the other; And he farther says, that the balance, due from him, of 28,795*l.* 7*s.* 1*d.* (which, the paragraph saith, he hath forgot to carry to his next succeeding account) refers to the first of the said two accounts, that the last was, due to him, of 28,236*l.* 1*2s.* 11*d.* relates to the second of the said two accounts; and the summe of due balance, from 28,236*l.* 1*2s.* 11*d.* to 28,423*l.* 12*s.* 11*d.* (which, this paragraph saith, is an addition to a of 28,345*l.* 1*s.* 11*d.*) according to his own calculation, relates to a third of the said two accounts. To all which he answers, that when he delivered his second account to Mr. Andrew Dune, in Dec. 1686, he then delivered to him an abstract of *a.*, at the bottom of which there was a memorandum, acquaint-

ing him, that he had other articles to add to the discharge of that account, which were not then ascertained, but which he hath since added,

and made his discharge, upon the second account, not only sufficient, as to cover the charge of *a.*, but also to clear the said 28,795*l.* 7*s.* 1*d.* (and in his intent, as afterwards) and well to leave a balance, due to him, of 28,423*l.* 12*s.* 11*d.* which therefore is carried to the discharge of his third account. And that whole matter was fully explained to the Commissioners, before they delivered to their committee to this honorable house, by a letter, which the said Paymaster sent to them, and of which he hath a copy ready to produce."

In the fifth and last paragraph, the Commissioners are pleased to say, first, as they are, from then, and where it is like, intended, that the Paymaster's subsequent accounts are an extraordinary, and as less imperfect, than the former, so they have great reason to apprehend, that when they shall call upon him, to lay others before them, in such a method, as they conceive most necessary, for their due examining and viewing of them, it cannot be completed with, brevity, when they were two of their own members with a precept to him, to shew, whether he had kept such a register of his regimental accounts, as he was required to do by a clause in an act, passed on the 4*th* and 5*th* of the late king and queen (for passing officers, and soldiers, who shall wrong, or default) and continued, by several other acts, till the 24*th* of April, 1688, they required, that there was no such register kept; that neither he, nor those he employed, would, they knew of the clause, but that he desired to know, where it was to be found, and said, he would read it, before he slept. They reported also, that he second agreement of the like clause, passed in another act of the last session, against money and discharges, and that he had kept no such register in his office.

—To the paragraph he answers, That a precept was brought him, to his office, dated the 15*th* of October last, by two of the Commissioners of Accounts; by which he was required to present the said two Commissioners to inspect such officers, books, and papers, as they should think fit. Upon sight of this precept, the Paymaster assured them, he intended to comply with it. Upon their asking him, whether he had kept a register of his regimental accounts, as he was required to do by a clause in an act, passed on the 4*th* and 5*th* of the late king and queen (for passing money and discharges) and continued, by several other acts, to the 24*th* of April, 1688. To this he answered, That, pursuant to the clause aforesaid, he had, with great labour and pain, made up all the said regimental accounts, belonging to his office, from the 1*st* of April, 1689, to the 24*th* of March, 1689, that he had given out the said regimental accounts, so made up, to the several captains, or their agents, and that, before he did so, he had caused them all to be fully entered, or registered, in large books, prepared for this purpose. Whereupon they desired to see these books, which were immediately hid

believe them; and after they had inspected them some more, and taken notice, how faulty they were entered, they told him, that he was obliged, by the clause aforesaid, to attest, under his seal, or that of his deponents, that each representative account, so entered, was a true account. To this Mr. Paymaster answered, that he, or his deponent, had signed all the original accounts, delivered, as aforesaid, to the several auditors, or their agents; and that, being done so, he thought, there was a very little need of signing the copies of them, otherwise their books. And when they replied to this, that the aforesaid clause required such signing, he told them, that he had not send that clause of a long time, but that he would read it, before he slept; and that he thought, he had before complied with the intention of it, by signing the original accounts, given out to the auditors, or agents; and, if it were thought necessary, he would have the several copies of them signed by each of his clerks, as had both entered, and examined them; adding, that, though he entered all his letters of business in books, yet he never thought it necessary to attest, or sign, those entries. After this they asked him, whether he had made up such representative accounts, pursuant to the late clause, passed in another act, of the last session, against making and destruction: To which he answered, That he had not as yet much minded that clause, thinking there was no great need of it, since the former, under his care, were now paid regularly, as soon as the bills for any matter were brought into his office; and that, though the letter of this last clause had not been, as yet, exactly complied with, yet he had the vouchers and warrants, belonging to such requests, from Christmas last, ready to show them, though that last clause was to take effect only from the 1st of March last.

"That is a true Narrative of what passed between the said two Commissioners, and him, on the day aforesaid; and therefore the Paymaster cannot but wonder, that this paragraph should so positively suggest that he had kept no register of the representative accounts, required by the aforesaid first clause; and that even he had forgot, there was such a clause: though he can safely say, that it cost him very near two years constant trouble, in making up, and entering, the said accounts; which were made up with that exactness, that the five commissioners for Debentures upon them, and as to the last clause, now in being, he hath since particularly complied even with the very letter of it, from Christmas last.

"That are the Answers, which the said Paymaster humbly offers to all the material observations, contained in the narrative of the Commissioners of Accounts; to which he begs leave now to add the reasons, why he hath, and will dash (next, that the said Commissioners have no authority to move into, or lay open, any of his accounts, passed and declared, upon which he hath his power act in due form of

law, and which have been heretofore under the examination of any of the former Commissioners of Accounts.

"The first act, appointing Commissioners of Accounts, passed in the 2d year of the said king and queen. The Commissioners, thereby appointed, had a general power and authority to examine all accounts, public money, returned the 25th day of November, 1698, and the 25th of January, 1699. Which act was revised to the 22d of April, 1699, by the last clause in the act, granting a quarterly poll to their majesties, in the 2d year of their reign.

"The next act, appointing Commissioners of Accounts, passed in the 4th and 5th years of their said late majesty's reign. Its purpose was, thinking, that it was no more reasonable, to give such powers, as had delivered to their successors in the Commissioners, appointed by the said first-entred act, the trouble of accounting over again, for the same matters, before the Commissioners appointed by this act, did not give them a general power, as in the first act, but confined and limited their power, to take accounts of all matters, passed between the said 25th of November, 1698, and the 25th of April, 1699, not accounted for by virtue, or in pursuance, of the said first-entred act, or the last clause, touching public accounts, entered in the aforesaid act, granting a quarterly poll.

"And the powers of the Commissioners of Accounts, appointed by an act, made in the 2d and 5th years of their said late majesty's reign, and of those appointed by another Act, made in the 6th and 7th years of his said late majesty's reign, and of those appointed by another act, made in the 7th and 8th years of his said late majesty's reign, are all, for the same reason, limited and confined to the taking the accounts of the public money, not accounted for by virtue, or in pursuance, of any of the former acts; and therefore the respective Commissioners, in the said acts aforesaid, did never require an account of any money from any Paymaster, or account of which had been laid before any former Commissioners.

"And since the power of the present Commissioners upon demands the very same words, as the last act, no was given to the respective Commissioners in the said former acts: viz. To take accounts of all public money, due or payable on the 25th day of November, 1698, or at any time between the said 25th day of November, 1698, and the 25th day of March, 1700, not accounted for by virtue, or in pursuance, of the said former acts, or any of them; and that the public money, paid to the Paymaster of the Exchequer, between the said 25th of November, 1698, and the said last day of March, 1700, hath been accounted for by the said Paymaster to former Commissioners of Accounts, by which said Paymaster did, and will dash, humbly conceive, that the present Commissioners had not a power to require an account of the same from him, since that period hath, and by open, he said four accounts, passed and declared, 1700

the 1st of January, 1697, is the said last of 25th Feb. 1692, upon which their own observations, and the additional clause to them, are exactly granted.

"And the said Paymaster must further add, That is the first act, appointing Comptrolers of Accounts, which passed, as before hath been said, is the 1st year of their late Majesty's reign, there is a clause, which saith, 'Provided always, and it is the true intent and meaning of this present act, that all accompts to their Majesties, of all such sums as sums of money, as by their records, and receipt, or to be received and received, as accounted, shall render and make their respective accounts, in their respective Court of Exchequer, according to the usual course of the said Court; any thing contained in the act to the contrary notwithstanding.' Which clause is revived in all the first succeeding acts, and in the present act — And that, though this clause was evidently intended for the ease and quiet of accomptants, yet it will prove altogether useless to them, if their accounts, when passed, and delivered, according to the direction of this clause, shall be laid open, and divulged.

"All which the said Paymaster hath's solemn in the judgment of this honorable house Nov. 30, 1696. Ranelagh."

On the 5th of December, the house took off, "That it appears to this house, that the Paymaster general of the army has given great and unnecessary delays, in his proceedings before the Commissioners, for taking, examining, and stating, the Public Accounts of the kingdom: That this house will, in consequence whereof, proceed to remove the profits of the Commissioners of Accounts to the several articles of their Narrative, or representation, and at the end of Ranelagh's Answer also to the same."

Resolutions against the Earl. On the 7th of December, the house proceeded to remove the Profits of the Commissioners of Accounts to the Narrative or Representation, and at the end of Ranelagh also to the same.

And the remaining Articles of the said Commissioners were severally read, and the end of Ranelagh's Answer to them; and the Commissioners, and the Earl of Ranelagh, were laid down.

On the 1st Jan. 1701. "That it appears to this house, that the Seven Commissioners, appointed by Act of Parliament, for taking, examining, and stating, the public Accounts of the kingdom, have not very good grounds for making their Narrative, or representation, or Representation, laid before this house. 1. That the said Commissioners, being the Paymaster general of the army, ought to be applied to the use of the thing said before only, and to no other use or purpose whatsoever. 2. That all proxy seals, Orders of the Treasury, or other Warrants, to the Paymaster general of the army, to apply the money, or his funds, to other uses, than the use of the army and fleet, are illegal and void."

That all proxy seals, or warrants, to the satisfaction of the Treasury, to pass accounts, without proper vouchers, or to make any disbursements, other than according to the law and usage of the Exchequer, are illegal and void. 3. That the Seven Commissioners, for taking, examining, and stating, the Public Accounts of the kingdom, have made good the allegations in their Narrative, or representation, laid before this house."

Resolved, "That it appears to this house, that the Earl of Ranelagh, Paymaster general of the Army, hath misapplied several sums of the public money."

"The said Earl had been Paymaster of the Army as long as James's time; and being very fit for the post, he had been continued all the last reign: he had lived high, and so it was believed, his appointments could not support so great an expense: He had an account of one and twenty millions lay upon him. It was given out, that a great deal of the money, lodged in his office, for the pay of the army, was diverted to other uses, distributed among his courtiers, or given to corrupt members of parliament; and that some millions had been sent over to Holland. It had been also said that great discoveries would be made, when ever his accounts were looked into: and that he, to save himself, would lay open the proceedings of the former reign. But now, when all was brought under a strict examination, a few inconsiderable articles of some hundreds of pounds, and all that could be found to be objected to him; and, even to these he gave clear and full answers. At last they found, that, upon the breaking of a regiment, a sum, which he had raised out for its pay, had been returned to his office, the regiments being broke sooner than that pay was advanced; And then an entry of this was made in his accounts. To this he answered, that his office, who received the money, was, within three days after, taken in all a confirmed stock, that he never came upon to the office, but drew in great money: And, during those three days, he had not returned them in the books. Lord Ranelagh acknowledged, that he was liable to account for all the money that was received by his order: others; but here was no crime or fraud designed, yet this was so aggravated, that he saw his good post was his greatest guilt: He therefore quoted his place, which being divided, Mr. Home was appointed paymaster of the guards and garrisons: it being so being the worst living post; and Mr. Stephen Fox, paymaster of the forces abroad was. Upon this, all the clamours raised against the Earl of Ranelagh ceased; however, the Commons debated the report of the committee upon a vote, and, to make a show of severity, expelled the Earl the house, on the 7th of February, 'for a high crime and misdemeanour, in misapplying several sums of the public money.' But, upon all this crying, and so, appeared much more modest than it is in the Journals laid before the house." Tindal

The Earl of Rothesburgh appealed.] On the 1st of February, the House resolved, That Richard Earl of Rothesburgh, late paymaster of the forces, in expending a high value and unaccountably, in supplying several sums of the public money. 1. That Richard Earl of Rothesburgh, for his said offences, be expelled the House.

Proceedings of the Commons against Lord Halifax.] On the 13th of January, Mr. St. John, from the Commissioners of the Public Accounts, presented to the House of Commons a general state of Receipt and Issues of the public revenue, between the first of St. Michael, 1700, 1701, and 1702, with observations thereupon. This having been taken into consideration the following days, and, Mr. Bridges, one of the commissioners, having, on the 25th, presented to the House an account of both the Issues and payments on the votes of that House, in February 1700, and of the produce of 75 per cent. on French goods, and the application of the same, it was then resolved,

"That the borrowing of money, and striving rather with interest unnecessary, before the public accounts required the same, had been one reason of the great debt, which lay upon the nation: and that the applying of the public money to the use of the civil list, which was otherwise provided for, was another cause of that great debt."

The next day, Robert Harley, from the Commissioners, presented to the House their Report, pursuant to an order of the House, by which they were directed to examine the conduct and other officers of the exchequer, relating to the passing of the accounts of the public money, and to lay before the House what they should find to be the cause, that the accounts were not annually and duly passed, according to the laws in that case, and through whose default it had happened. The report, and several paragraphs of the Commissioners' observations, being read, the House resolved,

"1. That Charles Lord Halifax, auditor of the receipt of the exchequer, had neglected his duty, and was guilty of a breach of trust, in not transmitting the impost rolls diligently to the king's remembrancer, according to the act made in the second of parliament, held in the 5th and 6th years of his late majesty's reign, entitled, "An act for the better observation of the course exactly used in the receipt of exchequer." 2. That the allowing accounts the charges of law-suits, to determine the right of these officers, was a misapplication of the public money. 3. That the authors of the impost bill had been guilty of a great neglect of their duty, in not carrying to the king's remembrancer the subject of the several annual accounts, that the process might go out against them. And, 4. That there had been a general mismanagement of the public money, by not obliging accountants to make up their accounts, and by continuing receivers in several counties, contrary to law, who had neglected to make up their accounts in due time, which had been a great

abuse of the public, and another cause of the great debt that lay upon the nation."

"On the 23th, the Commons, having proceeded to the further consideration of the observations of the Commissioners of Public Accounts, resolved, 1. "That the receipt, import out of the exchequer for the service of the public, ought to be kept by the respective officers in their own custody, and the same shall be paid to the king, for which it was directed, 2. That Charles Lord Halifax, auditor of the receipt of exchequer, had been guilty of a breach of trust, in not transmitting, every three months, the impost vouchers for the payments upon the accounts, which he allowed on his weekly certificates, reaching to the long-continued out of performance. 3. That the resolutions relating to the Lord Halifax be laid before her majesty. And, 4. That an Address be presented to her majesty, that she would be pleased to give directions to the attorney-general to prosecute him for the said offences." On the 7th of February, Richard Grenville acquainted the House that the speech had been planned to say, "That the resolution to the attorney-general, to prosecute him for the said offences."

Lord Halifax cleared by the Lords.] On the other hand, the Lords, before whom Mr. Gregory King, secretary to the Commissioners of Accounts, had, on the 12th of January, laid an Account of the general state of the receipts and issues of the public revenue, from the first of St. Michael 1700, to the same time in 1702, with their observations thereupon, ordered, on the 1st of February, that the Commissioners of Accounts should lay before their lordships what further observations they had made in relation to the matter. The next day the lords took the book of public accounts into consideration, and read the first paragraph of the commissioners' observations, which relating to the Lord Halifax his lordships was heard therein. Then Mr. King delivered at the bar the Commissioners of Accounts further observations, and at the same time the queen's remembrances had before their lordships the impost-rolls transmitted to him since November 1699. To being done, a committee was appointed to consider of the observations delivered first to the lordships from the Commissioners of Accounts and it was ordered, "That the queen's new impost-rolls should, the next day, bring before the said committee the impost-rolls transmitted to him since the 25th of April 1701, being the time when the act commenced: And secondly That the Commissioners for Public Accounts should have notice, that their lordships had appointed a committee to consider of their observations. On the 2d of February, Mr. Butler, deputy to her majesty's remembrancer brought the other impost-rolls, as ordered the day before, which were delivered to the committee, and the state of them was reported to the said committee, that they had taken the first observation into consideration, in relation to the nature of the exchequer. That, there

the Commons' members of Accounts had notice of the committee's sitting, yet none of them attended; and therefore the committee was of opinion, that a message be sent to the House of Commons, that they might have leave to attend; which message was, on the 6th of February, sent accordingly.

On the 11th, the Commons, having taken the said message into consideration, appointed a committee to inspect the journals, and to search persons relating to what had been done upon the Lords' dissenting members of the House of Commons to attend the House of Lords, and in relation to the Lords' inspecting and examining accounts. And the same day the Duke of Somerset made the following report:

"The committee appointed to consider of the observations in the book of accounts delivered into the House, have made some progress in considering the said observations, and take leave to report to the House, that they have examined into the first of those observations; and also the further observations delivered into that House, the first instant, relating to the inspecting the ordinary receipt rolls to the queen's remembrance. They have inspected several of the original receipt-rolls delivered into the House by Mr Barker, deputy to her majesty's remembrancer. They also questioned some officers of the Exchequer, and others, upon oath, and do find, that, by the ancient and uninterrupted custom of the Exchequer, two receipt-rolls are to be made out for each year, the one comprehending all such sums received from the end of Trinity-term to the end of Hilary-term; the other comprehending all such sums from that time to the end of Trinity-term; which rolls are commonly called half yearly rolls, though improperly. They find, that, by the ancient custom of the Exchequer, these receipt-rolls, being made out by the auditor of the receipt, are to be delivered by him to the clerk of the rolls, where duty it was custom and usage then; and this being done, the clerk of the rolls delivers them to the remembrancer. This usage was by degrees discontinued in the reign of king Charles the second; and the remembrancer, or his agent, used to come to the office of the auditor of the receipt, and thence carry the receipt-rolls from thence immediately. But, at the time when the earl of Rochester was remembrancer, the ancient usage was restored, and he did order, that the receipt-rolls should be carefully examined and signed by the clerk of the rolls, before they should be transmitted to the remembrancer; and accordingly, ever since that time, the ancient custom has been observed, as well before as since the end of parliament made in the 11th and 12th years of his late majesty. For the better observation of the course anciently used in the receipt of the Exchequer; that it is now, the half-yearly rolls, when made up, and signed by the auditor, have been by him transmitted to the clerk of the rolls; and when the clerk of the rolls has examined and signed them, he, or his deputy, hath delivered them to

the remembrancer; and this appears by the remembrancer's endorsement upon the rolls. The committee find, that Charles lord Halifax has been auditor of the receipt from the end of November 1699, since which time no original rolls have been transmitted to the remembrancer; and there is a seventh roll kept under examination of the clerk of the rolls, and no other roll can be prepared till after the 11th of the instant of February. Upon the whole matter, the committee are loudly of opinion, that Charles lord Halifax, auditor of the receipt of the Exchequer, hath performed the duty of his office, in transmitting the ordinary receipt-rolls to the queen's remembrancer, according to the ancient custom of the Exchequer, and the direction of the act 2 and 3 Charles 2, right, entitled, "An act for the better observation of the course anciently used in the receipt of the exchequer;" and that he hath not been guilty of any neglect or breach of trust upon that account."

This report being read, on also the examination taken upon oath by the committee, and the dates and endorsements of the several receipt-rolls, delivered by Mr Barker, the question was put: Whether this house would agree to the opinion of the committee in the report? Which being carried in the affirmative, it was resolved and declared by the lords spiritual and temporal in parliament assembled, That Charles lord Halifax, auditor of the receipt of the Exchequer, hath performed the duty of his office in transmitting the ordinary receipt-rolls to the queen's remembrancer, according to the ancient custom of the Exchequer, and the direction of the act 2 and 3 Charles 2, right, entitled, "An act for the better observation of the course anciently used in the receipt of the exchequer;" and that he hath not been guilty of any neglect or breach of trust upon that account. At the same time the Lords ordered their proceedings in this affair to be immediately printed and published.

Differences between the two Houses regarding the Public Accounts. The endorsement of the lord Halifax gave great offence to the House of Commons, who, on the 18th of February, ordered their committee to search the journals of the House of Lords, and report their lordships proceedings in relation to the observations of the commencement of accounts. Pursuant to this order, viz. Grassie the next day reported to the house, what the committee had found both in the Lords' journals relating to this affair, and in the journals of the House of Commons relating to what had been done upon the Lords' dissenting members of the said House to attend the House of Lords; and in relation to the Lords' inspecting and examining public accounts.

This Report being read, the Commons ordered the same Committee to draw up what was proper to be offered to the Lords, at a Conference upon the subject: matter of their lordship's message of the 6th instant, which the Committee did accordingly in this manner.

"The Commons cannot comply with your lordship's desire, concerning your message of the 6th instant, because the Calculations are still

The managers for the Commons, at the head of whom was Mr. Finch, opened the particulars, which they had in dispute to some effect, saying, "That, when they presented their petitions, that in expressing the consequences, which their apprehensions might follow from their lordships' resolutions, it was not a charge upon their lordships; but they intended some disparagement, but that they would have been very glad their lordships would have been pleased to have let themselves, what use was to be made of it, or what they intended by it, and concluded, that, if their lordships did maintain any of these points, they were ready to maintain them."

The Lords made no answer. "As any of these particulars, except to the matter of the resolution relating to the last Bill, upon which they acknowledged," "That they were in doubt of inquiry to have any satisfaction, that their proceeding in relation to that bill was an trial, not was their resolution; say, judgment or acquittal; but that he might still be prosecuted as before. But that, which gave occasion to that proceeding, was the resolution of the House of Commons, which they found in the second volume, relating upon a number of their bills; and therefore they thought fit to give their opinion, which they did to the legislative authority."

The managers for the Commons replied, "That their lordships having in their resolutions declared, that they had proceeded according to the rules of justice, and the evidence that was before them, the Commons could put neither a supposition upon it, nor that it was made as a judgment; and no judgment could be made, where there was no accusation, and, if it was not a judgment, then could not manage what it declared to. As to their lordships delaying their opinion, that it was against the rules of any court, that any judge whatsoever should deliver his opinion at a time, that might come before him, and that the matter might breathe some jealousy before their lordships. That there was a great difference between the vote of the Commons and the resolution of the Lords. That the vote of the House of Commons was but in order to a prosecution, which they can never vote without declaring the crime, and they can never come to be judges of it. That the House of Commons is the grand inquest of the nation, and every party, that finds Bills Vexatious upon any point, does by that declare the same guilty. But that the Lords being a judicial capacity, and their resolution, before an accusation brought, is prejudging the cause, that may more properly belong there. As to the declaration the Commons made, that the Lords had not examined the respective cases of impeaching the impeachments to the queen's remembrance, the Commons' managers said, "That, as their lordships resolution was a judgment, in the Commons it was to do. But, to give the matter of their lordships resolution,

they observed, the date upon the several impeachments, that had been transmitted to the remembrance; and that they apprehended there were still two wanting; that the three that were transmitted, came out to the remembrance of January last, the two first on the 23d, the last on the 25th; and that the first of these three reports, still was missing, reported to the first of February 1750, and used to be by the first year of queen Anne; which showed, that the roll was so far from being examined or transmitted in time, that it was not made up till some her inquiry came in the crown. That, as the custom formerly had been to set down the name of the examination of these rolls, when Mr. Charles Montagu came in to be sworn, he set down the month, but not the day; and, since the lord Balcarras was sworn, he had set down neither month nor day; and that, by his example, on the three last impeachments, the clerk of the rolls had put no time at all."

To that the lord Balcarras, in answer, following replied, "that the Lords' Resolution was well founded, since they had the rolls themselves before them, and proof upon oath. That, by the words of the act, the matter was to be sent the respective rolls to the remembrance faithfully, according to the usual course of the exchequer; which is eight months and four months. That it was not his duty to send it there immediately to the remembrance, because he was to send them to the clerk of the rolls, who is to examine and sign them. That it could not be imagined, that the matter should be sent to a certain time or times. The rolls to the remembrance, according to the usual course through another hand; and he must send it, there was any occasion to put down the year he examined them, for that would appear from the record of the delivery and date of the roll. That these were examined by the clerk of the rolls, the 1th of July, which he did not take to be the matter's fault, but to be the date of the clerk. The rolls to differ there, that every body knows the great trouble, that had been given to his, and to others, the 1st, by the commissioners of accounts; and that no fault had happened by not transmitting those rolls, no process having been issued forth for many years upon them."

The managers for the Commons said, "that though it differently should be taken for eight months and four months, yet by that they must be transmitted to the court, and that had failed in his duty in that respect. That to consider the ancient course of the exchequer in the act of witness, to be sworn, that the clerk of the rolls should examine the rolls, and a direct contradiction to the act, that says, the matter shall do it." That the ancient course of the exchequer having not been observed, was the occasion of making that law, and that they thought here was to be observed. That indeed no process could issue till the rolls were transmitted, and possibly might be the ground the accounts had been so long reported, in 174

prejudice of the public. And that, in his lordship's apprehensions, there was no loss to the public by not transmitting the rolls, might probably be the reason of his lordship's neglecting his duty."

Here the First Conference broke up: and the members being returned to their respective Houses, the Commons ordered their managers to draw up a Report of the said First Conference; and then a motion was made, "That the votes of the House should not be printed; and that (they might be a standing order?" which was carried in the affirmative.

The Lords, on the contrary, ordered their proceedings, in relation to the Public Accounts, to be immediately printed; whereupon the Commons resolved to publish their proceedings likewise.

The Commons' Address to the Queen concerning the public Accounts, public Disasters, &c. On the 10th of February the House of Commons had the following Representatives before her majesty:

"Most gracious Sovereign:

"We your majesty's most faithful and loyal subjects, the Commons in parliament assembled (being deeply sensible, that notwithstanding the immense sums which have been raised for the service of the late war, the nation still labours under a vast debt of many millions of money) do think it our indispensable duty to lay before your majesty the unhappy state and circumstances, which appear to us, to have brought this heavy burden upon your people, not doubting but your majesty will be generously pleased, in your great wisdom and goodness, to give such effectual orders, that neither any indirect practices shall be suffered, nor any persons concerned with the administration of the public affairs, who have been the authors of all our miseries.

"We therefore humbly crave leave to represent to your majesty, that during the said war, which was carried on in defence of the protestant religion, and the liberties of Europe, against the common enemy of both, and therefore cheerfully supported by the people of England; yet, even then, when the great necessities of the kingdom did require a more than ordinary frugality, there appears to have been a general mismanagement of the public revenue, which was principally owing to some of those great officers of the Treasury, who, being more intent on their own private profit than the due execution of their public trusts, did neither discharge the duty of their own places, nor take care that the subordinate officers should discharge theirs.

"And we also shew that it is no other cause than the remittance in the Treasury, that many revenues in the several counties of England and Wales made so long and unnecessary delays in their respective payments into the exchequer, of the assigned by parliament, and thereby to your majesty's good subjects, by which means

they made unreasonable advantages to themselves, whilst the public was forced to pay great interest and large premiums, not only for the want of their own money, but, as we have great reason to believe, many times for the loss of it; and several recoveries in such intermediate time have failed with considerable sums in their hands, to the great loss and damage of the public.

"Your dutiful Commons do further humbly represent to your majesty, that great sums of money have been borrowed, and drawn tallies with interest struck unnecessarily upon the exchequer and other parliamentary aids, before the public accounts have required them; and this practice hath been pursued, when rates of credit have been obtained, upon representations made to your Commons of very pressing necessities for the same: whereby many officers of the revenue, and their friends, have had an opportunity to receive great sums for interest, which did arise on such tallies before the money was paid in, to the use of the public; for the advantage of which interest, we have also reason to believe, that many accommodations (who have received from the Exchequer great sums of money for the use of the public) did retain only till the payment thereof to the exchequer and soldiers, to whom it was due. And that seems to be the great inducement, that made such accommodations that great sum of the public money in the hands of parliament and other persons, in order to make private advantages of it, and lend it back to the Exchequer in other persons names, all which tended to the great damage of your majesty's good subjects, to the manifest wrong and discouragement of the exchequer and soldiers, and to the great dishonour of the English nation.

"This evil practice of selling tallies with interest, before the money was paid in, was also attended with another very great inconvenience to the public, that whenever the nation had occasion for ready money to answer the greatest necessities of the King, many persons who advanced their to pay upon tallies, knowing they should have the money brought by delay, as by payment, would not bring down their money to the Exchequer till several months after the tallies were struck; which by the government was looked on as the same time, to pay current rates for arms and provisions for the army and navy, in regard the merchants and undertakers could have ready money for their goods, but receive tallies with a large discount.

"And by these and other means, a very great part of all the public money squandered away to ruin, great interest, premiums, and innumerable other expences, which has been one of the causes that hath brought us to this distressed estate.

"But have we cannot, without any knowledge the utmost good management of the Treasury, whereby, for the honour of

government, and the advantage of the whole nation, no unnecessary talles with interest are permitted to be struck, nor more money at any time borrowed, than the necessities of the nation do require; and care is taken to support the credit of the navy, retarding, and other public affairs; and that moneys and provisions are in great measure provided, with singular advantage to the public, as if the same were purchased with ready-money; which frugality and good management will be found to be one of the most effectual means, to make your majesty's government easy at home, and to carry on a vigorous war against the common enemy abroad.

"And we humbly crave leave further to represent to your majesty, that though your Commons, who are always ready to support the dignity of the crown, had supply provided all these years, which, according to the largest estimate laid before them, were thought necessary for the accounts of the civil-list, yet, over and above the said moneys, and out of the aids given by parliament, (which by the law of England are appropriated, and ought to have been employed in the common profit of the whole nation) many large sums of money, during the time of such heavy taxes upon the people, have been diverted under the head of secret services, and for salaries, bounties and pensions to private persons, which, if proper to be paid at all, ought to have been supplied out of the civil-list. Nay, to so great a degree did this profusion extend, that several dissipated persons were paid out of public moneys, to purchase great places for the love and of Blackland, and the present earl of Albemarle; so little could your Commons depend upon the integrity of the public officers, in whose regard was had by them to those heavy taxes the people lay under, that nothing less could secure the public money from misapplications, than an express clause of appropriation: which though not at all necessary for the security of the public money in general, but only to direct the application of it in some particular cases, yet, whenever your Commons made no such particular appropriation, they seldom failed to misapply the public money: which has been another great cause of the heavy debts that lie upon the nation.

"And your Commons humbly crave leave further to represent to your majesty, that the ancient and established method of accounting in your majesty's Exchequer, hath been in times following; that it is say, the auditor of the receipt is to make out and transmit the largest rolls half yearly to your majesty's remembrancers, in order to the charging and prosecuting of a non-payment, which being transmitted to the auditors of the receipt, they are to certify to the said remembrancers what disbursements have not brought in, or presented their accounts, and thereupon the remembrancer is obliged, under penalty of ten pounds per annum upon the crown, to certify the auditor of the receipt of the nature and effect of the said non-payment; and when that great officer is de-

scribed in his duty, it is not regular, nor indeed possible, for the debt to be proved, but all persons against whom moneys were due at a stated, and year moneys, and all your loyal subjects must necessarily suffer by it. And as in the clerk of the pells, he is to examine the impost rolls, both the auditors are obliged to transmit them to the remembrancers; and when, through the neglect or corruption of the said officers, the ancient method and course of the Exchequer, was not so strictly observed as it ought to have been, it was expressly provided by an act of parliament, so lately made as in the eighth and ninth year of the reign of our late majesty King William of glorious memory, and entitled, 'An Act for the better Illustration of the Receipts and Accounts of the Exchequer,' in these words following, that it is say, 'That the auditor of the receipt shall transmit the ordinary impost rolls half yearly to the king's remembrancers, in order to the charging or prosecuting of non-payments, and shall half yearly, to wit, at Easter and Michaelmas, make out and transmit to the said remembrancers of the Treasury, or the treasurer for the time being, the declaration of the receipt, issues and moneys at the Exchequer for every half year severally; all which matters and things, and all other matters and things belonging to the office and duty of the auditor of the receipt, shall be faithfully and carefully done and performed by the auditor of the receipt for the time being, in such manner as hath been and is usually accustomed. And it is hereby further provided, that the said auditor do, as frequently as he shall fit, but at least once in every three months, strictly examine the rolls of vouchers, for the payments which he allows to his weekly contributions.' But so it is, many gross misapplications, that notwithstanding the plain and express words of the said statute so lately made, Charles lord Halifax, the present auditor of the receipt, though he was himself a member of that parliament, yet he hath taken so little care to discharge the duty of his office, for the interest of your majesty and the security of the public, that he hath not only performed any one of the particulars above-mentioned; and for want of examining the rolls legal vouchers, the said auditor manifestly deceived your majesty and the public, by inserting into the weekly contributions of the receipt, issues, and moneys of the Exchequer, such sums of money as were never actually, and lawfully paid to the proper parties, nor the crown legally discharged thereof. And as in the meantime, your Commons situate without good advantage to your majesty, that notwithstanding there may be six impost rolls now transmitted to the remembrancers, yet it is well known in the said office, that none of the said rolls is in the year of 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 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Treasurer of the navy, army and ordnance, for the number of the late war, between the 25th of November, 1699, and the 25th of March last past, (showing the several millions of money raised for other public uses) in the far greatest part thereof both not here accounted for so this time, as amongst the contributions of your people, and the great discharge of the nation.

" By these neglect and delays, all accounts have been rendered so intricate and confused, that the several administrations have had great opportunities of defrauding the public, the disbursements of its funds has been made very thick, and a hazardous disorder is given to the public all accounting accounts.

" Hence it is that so many public officers and some private have found great causes to themselves, and the expense on the public, when it is evident that it is of no small money to assist them, and several persons, whose duty it was to hinder such abuses and to receive their reports, either by their own interest, than their duty, have abused the themselves, given a such value, as in a single year has been increased large supplies towards peace and public service; which has been another great cause, of the debt that lies upon the nation.

" And your Commons do further humbly represent to your majesty, that notwithstanding such vast sums raised due to the said late Paymaster and Treasurer, whereby your Commons had supply provided for all those services, and for the defence carrying on the war against France; yet they find to their great sorrow, that not only the officers, but the common and soldiers, who on all occasions have behaved themselves bravely in defence of their country, have not been paid during the late war, and that great sums are still owing to many of them; whereas if the public money had been duly applied to the uses for which it was given by your Commons, instead of those many hundreds that were debited by your majesty's most dutiful subjects and their families, who served so well in your fleets and armies, they would have had peace done them during the late war, and have encouraged more cheerfully to engage themselves in this.

" But, instead of justice, we have too much reason to believe, that these very persons, who by long and unnecessary delays have compelled them to accept of remote salaries and payments, have (without others) taken advantage of those necessities, and employing brokers to buy up those salaries and wages at a low price, have afterwards paid themselves with that badly earned cash they should at first have distributed to the common and soldiers.

" And such was the impetuous trade upon the Exchequer-Bills, which was vigorously prosecuted between the Exchequer and the Bankers, and which did up very upon the very state of the nation, and so great good was made thereby, at expense of the public, that great sums of money were employed in it, which had only been the war trading stock of the na-

tion, whereby both the expensures of the warlike and other manufactures of the kingdom, and the expensures of houses, and other commodities of foreign countries, to be manufactured in England, have been very much obstructed, to the great prejudice of your majesty's revenue after the peace, the business of the whole, and the great expensures of the whole kingdom.

" And though the late Paymaster and Treasurer, by long and unnecessary delays in settling their accounts, have in great measure prevented any discovery in their under proceedings, and have endeavored to protect themselves from a just and necessary account to the nation, by private and other agreeable means, notwithstanding obtained for paying their accounts, without proper vouchers contrary to the law and course of the Exchequer by your Commons, by the great fidelity and discharge of the same Commissioners for the taking, examining and stating the public accounts of the kingdom, have not only discovered the several mismanagements above mentioned, but also some of the unreasonable proceedings used by the said late Paymaster of your majesty's fleets, by whom a considerable part of the money, which came in his hands, and which ought not to have been applied to any other purpose than the payment of the army, hath been diverted to his own, and to other private uses; for all which, upon a full and far hearing in his own defence, he has justly incurred the sentence of the house, and been declared guilty of a high crime and misdemeanour.

" And we find, to our unspeakable grief, whilst his late majesty was engaged in the prosecution of the glorious design of preserving the protestant religion, and the liberties of Europe, and was thereby necessitated to conduct the care of the public affairs in the kingdom to particular ministers, (whereof some were more particularly concerned in the chief administration than those who have been the great masters of the unhappy differences among us,) that general management of the public affairs did actually spread itself over the whole kingdom, and seems to be owing (except other things) to a disposition of officers and places, where men were rather chosen for their inclinations to serve a party, than for their qualifications to serve the public.

" And these men being possessed in themselves of the many faults and errors committed against the public, have no other hopes to deliver themselves from justice, than by taking away the reputation of those who drove to do right in their own lives, by detecting their mispractices, and by engaging in such and other their evil-arts to accuse and lay it upon those, whose poverty, we have too much reason to fear, will open under the sad effects of the weakness of the war, and the too great mediocrity of the other.

" These, dread coverings, are doors of the ruin of those poor wretched wretched subjects by the late mismanagements, and which your loyal Commons could not omit thus to re-

bly to reputation in all doubtful matters, without being unfaithful to your majesty, and to the measure by whom they are entrusted.

"From hence your majesty will be graciously pleased to take notice, that the great debt which lies upon the nation, and all the arrears which are owing to your majesty's treasury, do not arise so much from the delinquencies of the funds, as the want of care in the management, and delay in the application of them.

"But recent hath pleased Almighty God to place your sacred majesty on the royal throne of your ancestors, we have so entire a confidence in your majesty's goodness, that we are no longer fear to see the public revenue mismanaged or misapplied, the accounts neglected, or the losses unpaid, and we cheerfully depend on your majesty's wisdom, that all our grievances, by your grace and favour, will in due time be redressed and removed, by punishing those who have been the cause of them, and by attracting more to the administration of the public affairs, who, for their own private advantage, have maliciously contributed to the calamity of their country.

"This (your gracious sovereign) will be the only efficient means to preserve the his majesty's government for the future, and thereby to make your majesty's reign happy at home and prosperous abroad.

"This will be the best means to enable and encourage your dutiful Commons to raise those supplies which shall be necessary to support your majesty against all your enemies.

"Thus we humbly now leave, upon this occasion, to report our assurances to your majesty, that we will always stand by and assist your majesty to the utmost of our power, in preserving the established government both in church and state, maintaining the ancient glory of the English nation, and defending the liberties of Europe against the boundless ambition of France."

The Queen's Answer.] To the address her majesty made answer:

"Gentlemen, the repetition of these assurances you give me in this address, of your aid for my service, and the good of the kingdom, is very acceptable to me. I shall consider the several particulars of it, and always have great regard to the representation of the House of Commons, and the true interest of England."

Several Bills moved the Queen, but not passed.] Several bills had been moved this session (some of which passed the Commons) but were not finished. On the 12th of December, Mr Edward Seymour moved for leave to bring in a bill "to increase all the grants made to King William's regent, and applying them to the use of the public." This was carried by a majority of 100 against 70, though the bill was afterwards dropped by the Commons themselves. At the same time it was moved by Mr. Walpole, "That all the Grants, as also the regent of the late King James, should also be increased." But this by the House of Commons

was passed in the negative. Sir John Hallam then made a motion in bring in a bill "for the more free and impartial proceedings in parliament, by providing, that no person who is sworn to office or employment should be capable of sitting as a peerage;" which also passed in the negative. Then, Mr. Seymour moved, &c. who had so vigorously pushed the bill in King William's regent, were now in warm opposition to it, and carried a bill "for the more free and impartial proceedings in parliament, by providing, that no person shall be chosen a member, but such as have a sufficient real estate." This bill was rejected by the Lords, on the 24th of February.

The Queen's Speech at the Close of the Session.] Feb. 17. While the disputes between the two Houses were in agitation, her majesty being desirous to have an end put to their wrangling, ordered Mr. secretary Hedges to enquire the Commons, that she desired they would give all possible diligence to the business depending, her majesty finding it necessary for the public affairs, to put an end to that wrangling upon which they resolved on an Address to her majesty, humbly to lay before her, that they had already dispatched all the necessary bus-

"During this session the Lords had increased themselves very considerably, and had gained an universal reputation over the whole nation it is true, those who had opposed the petition, that had carried matters before them in the session, were so near down in number, that things of the greatest consequence were carried only by one or two voting according as they intended to have a clear majority in both houses, in the next session, they prevailed with the queen, some after the proposition, to choose four new peers, who had been the victors of the whole party; Truick, Gosset, Grenville, and young Seymour, were made barons. Great collections were made upon this proposition; when some serious things had been thrown out in the House of Commons upon the opposition, that they met with from the Lords, it was concluded, that it would be easy to find men of merit and virtue to make that majesty's list; this was an open declaration of a design, to put every thing in the hands and power of that party; I was also an extraordinary use of the ancient power of the prerogative, to make monarchical creations peers in the House of Commons. However, though at the other side, was at the same time made a baron, by private favour. This the sense of parliament was brought to a much better conclusion, than could have been reasonably expected by those, who hoped of whom it was constituted, and how it had begun. No harm was done in it - the measures were founded by a new security, and the popular clamour of corruption and profligate, which the nation had been so much possessed with in a great measure dispelled." Bur-

have them. The contribution lay at the house when her majesty went to the House of Lords, and reading for the Commons, and gave her royal answer to several public and private Bills. Which done, her majesty made the following Speech to both Houses:

"My lords and gentlemen: I return you my hearty thanks, for the great dispatch you have given to the public affairs in this session: which is an advantage extremely unusual at all times; and I hope we shall find the fruit of it this year, in the forwardness of our preparations—I am to thank you, gentlemen of the House of Commons, in particular, for the great supplies with which you enable me to carry on the war. It shall be my care, to have them exactly applied to the uses for which you have designed them, and to the best advantage for the public service. You have reposed great confidence in me, by allowing so unusual a latitude as you have done, in the choice of appropration: I shall improve all opportunities, in the use of it, for the honour and true interest of the nation—I must further take notice to you that the readiness you have shewn in the provisions made for the peace is a very sensible obligation to me.

"My lords and gentlemen; I desire and expect from you, that you make it your business, in your several countries, to continue and preserve the quiet and satisfaction of all my subjects. I hope, that such of them as have the misfortune to dissent from the Church of England will not recede and stand in the Act of Toleration, which I am firmly resolved to maintain, neither all those who have the happiness and advantage to be of our church will consider, that have had my affection to it, and that I have been willing to run great hazards for its preservation: and therefore they may be very well shall always make it my own particular care, to encourage and maintain the church as by law established, and every the least member of it, in all their just rights and privileges: and, upon all occasions of promotion to any ecclesiastical dignity, I shall have every just regard to such as are sincere and remarkable for their piety, learning, and constant for the church; that, by this and all other methods which shall be thought proper may increase it securely settled to posterity. And that it might have been for the public service, it hath had worse farther harm for retarding the great business, which is intended, of printing and spreading scandalous pamphlets and libels; but, as far as the present laws will reach, I hope you will all do your duty, in the respective stations, to prevent and punish such pernicious practices—Above all other, I do recommend to you peace and union among ourselves; so the most effectual way, that can be devised, to discourage and suppress all designs of our enemies—I must conclude without recommending you, I have the pleasure that my part of all the prayers have been or shall be taken during

this way be applied exactly to the present service; and I hope my own prayers will not fall so short, but that I may be able to assure, to contribute yet further to the service of my people."

After which the Lord Keeper, by his majesty's command procured the adjournment to Thursday the 22d of April next.

THE SECOND SESSION OF THE THIRD PARLIAMENT OF QUEEN ANNE.

Last of the House of Peers. Both Houses met on the 24th of November. The following is

A correct List of the Lords Spiritual and Temporal of the Parliament, which met at Westminster, by Proclamation, the 24th of November, 1708.

The right Honourable Sir Nathan Wigham, knight, Lord-Keeper of the Great Seal of England, Speaker.

Prince George of Denmark, duke of Cambridge; Lord, Lord High Admiral of England, &c. Sidney Godolphin, lord Godolphin, Lord High Treasurer.

Thomas Herbert, earl of Pembroke and Montgomery, Lord President of the Council.

John Mordaunt, duke of Buckingham and Montagu, Lord Privy Seal.

William Cavendish, duke of Devonshire, Lord Steward of the Household.

† Thomas Howard, duke of Norfolk, Hereditary Earl Marshal of England.

Charles Seymour, duke of Somerset.

Charles Lennox, duke of Richmond.

Charles Fitz-Roy, duke of Southampton.

* Charles Fitz-Roy, duke of Grafton.

James Butler, duke of Ormond.

* Henry Somerset, duke of Beaufort.

George Fitz-Roy, duke of Northumberland.

Charles Bevilston, duke of St. Albans.

James Fitz-James, duke of Berwick. Out-lord.

Charles Paulet, duke of Bolton.

Heinrich Schomberg, duke of Schomberg.

Charles Talbot, duke of Shrewsbury.

Thomas Osborne, duke of Leeds.

Wentworth Russell, duke of Bedford.

John Mordaunt, duke of Newcastle.

John Churchill, duke of Marlborough.

John Manners, duke of Rutland.

MEMBERS.

William Herbert, marquis of Forns. Out-lord.

BARONS.

Robert Dormer, earl of Lindsey, Lord Great-Chamberlain of England.

Charles Howard, earl of Carlisle, Earl Marshal of England, during the minority of Thomas, duke of Norfolk, Hereditary Earl Marshal of England.

Edward Villiers, earl of Jersey, Lord Chamberlain of the Household.

Henry Grey, earl of Kent.

James Douglas, earl of Derby.

L

George Hastings, earl of Huntingdon.

* Henry Clarendon, earl of Leinster.

Henry Howard, earl of Suffolk.

Charles Berkeley, earl of Dorset and Macclesfield.

* James Crichton, earl of Eglinton.

George Egerton, earl of Sandwich.

Philip Sidney, earl of Leicester.

George Compton, earl of Northampton.

* Edward Henry Rich, earl of Warwick and Holland.

David Lindsay, earl of Dunblane.

Forbes St. John, earl of Salisbury.

* Thomas Fane, earl of Westmoreland.

Charles Manners, earl of Manchester.

Thomas Howard, earl of Berkshire.

Richard Scrope, earl of Devon.

Charles Mordaunt, earl of Peterborough and Monmouth.

Thomas Grey, earl of Stamford.

Charles Finch, earl of Winchelsea.

Erleigh Percepsall, earl of Kingston.

Charles Darnley, earl of Camarvon.

Philip Skelton, earl of Cleveland.

Thomas Talbot, earl of Tyrone.

Charles Spencer, earl of Sunderland.

Robert Lake, earl of Warrister.

Edward Montagu, earl of Sandwich.

Henry Hyde, earl of Clarendon.

Algernon Capell, earl of Essex.

† George Broderick, earl of Cardigan.

John Anson, earl of Anson.

* William Henry Cavendish, earl of Bath.

Thomas Bruce, earl of Aulbury. Extra Regnum.

Charles Boyle, earl of Burlington.

Anthony Ashley Cooper, earl of Shaftesbury.

Edward-Henry Lee, earl of Lincoln.

Thomas Leonard, earl of Sussex.

Lewis de Duras, earl of Forth.

Charles Bedevis Roberts, earl of Radnor.

William Parnes, earl of Yorkmouth.

Charles Berkeley, earl of Berkeley.

David Peck, earl of Nottingham.

Laurence Hyde, earl of Rochester.

Montague-Yvesley Doria, earl of Abington.

* Baptist Noel, earl of Galloway.

Robert Darcy, earl of Holderness.

* Oliver Wenden, earl of Plymouth.

† Edward Radcliffe, earl of Devonshire.

† Henry-Shedden Howard, earl of Suffolk.

William Norwiche, earl of Portland.

Ralph Montagu, earl of Montagu.

Arthur Herbert, earl of Torrington.

Richard Lowley, earl of Northburgh.

George South, earl of Warrington.

Francis Newport, earl of Bradford.

Henry Selous, earl of Boscawen.

William Selous, earl of Radford.

Arnold Jern van Koppell, earl of Albemarle.

Thomas Cavers, earl of Cavers.

Edward Russell, earl of Orford.

Henry d'Amquerque, earl of Onslow.

Viscounts.

Price Desborough, Viscount Desborough.

Francis Brown, Viscount Montagu.

Norham Farnley, Viscount Say and Seal.

† Thomas Delavay, Viscount Falkenberg.

Charles Townsend, Viscount Townsend.

Thomas Digby, Viscount Weymouth.

Christopher Hazon, Viscount Hazon.

Henry Yelverton, Viscount Lonsdale.

* Richard Lonsdale, Viscount Lonsdale.

Barons.

George Verville, Lord Desborough.

* James Leach, Lord Ashley.

John Mordaunt, Lord De La War.

Robert Mordaunt, Lord Ferrers.

Christopher Mordaunt, Lord Fitzwilliam.

† Edward Mordaunt, Lord Dudley and Ward.

† John Mordaunt, Lord Scarsdale.

Richard Mordaunt, Lord Willoughby of Broke.

Ralph Mordaunt, Lord Evers.

Thomas Wharton, Lord Wharton.

Hugh Willoughby, Lord Willoughby of Parham.

William Paget, Lord Paget.

Thomas Howard, Lord Howard of Effingham.

William North, Lord North and Grey of Wilton.

James Dryden, Lord Chauden.

† William Cary, Lord Mansfield. Extra Regnum.

† Thomas Petre, Lord Petre.

† Charles Gerard, Lord Gerard of Camelford.

† Thomas Arundel, Lord Arundel of Wardour.

† Henry Roper, Lord Topham.

Paul Grenville, Lord Broke.

Ralph Grey, Lord Grey.

John Leveson, Lord Leveson.

John Foster, Lord Foster.

Samuel Maynard, Lord Maynard.

Charles Howard, Lord Howard of Escrick.

Charles Mordaunt, Lord Mordaunt.

Thomas Westwood, Lord Raby.

Thomas Leigh, Lord Leigh.

† Henry Jernyngham, Lord Jernyngham and Lord Devon.

William Byron, Lord Byron.

John Vaughan, Lord Vaughan.

† Charles Smith, Lord Carrington.

William Widdrington, Lord Widdrington.

John Colpeper, Lord Colpeper.

Robert Loxton, Lord Loxton.

Lewis Waring, Lord Rockingham.

Robert Smeaton, Lord Smeaton.

† Marmaduke Langdale, Lord Langdale.

William Berkeley, Lord Berkeley of Stratton.

Charles Cornwallis, Lord Cornwallis.

Dr. Nathaniel Crew, Lord Crew and Lord Bishop of Durham.

John Arundel, Lord Arundel of Tetryn.

William Carter, Lord Carter.

† Hugh Clifford, Lord Clifford.

Perceval Osborn, Lord Osborn.

John Carter, Lord Carter.

Charles Bennet, Lord Ouseburn.

William Legge, Lord Dartmouth.

William Stowell, Lord Stowell.

Francis Smith, Lord Clifford.

† James Widdrington, Lord Widdrington.

Edward Griffin, lord Griffin. Outward.
 Hugh Cholmondeley, lord Cholmondeley.
 John Ashburnham, lord Ashburnham.
 William Pender, lord Langport.
 Charles Butler, lord (Master of) Weston.
 Henry Hyburn, lord Hyburn.
 Henry Clarendon, lord Clarendon.
 John Somers, lord Somers.
 Christopher Wren, lord Barend.
 Charles Hastings, lord Halifax.
 John Grenville, lord Grenville.
 Thomas Finch, lord Overbury.
 John Lawrence Gower, lord Gower.
 Francis Seymour Conway, lord Conway.
 John Hervey, lord Hervey.

☞ Note. Those marked † are Roman Catholics, and those with * protestant, are all modern age. The last five I created by queen Anne, and lord Hervey at the instance of the three reigning dukes, Sarah Duchess of Marlborough.

Advances and Bishops

Dr Thomas Tenison, lord archbishop of Canterbury.
 Dr John Sharp, lord archbishop of York.
 Dr Henry Compton, lord bishop of London.
 Dr Michael Carter, lord bishop of Durham, and lord Great.
 Dr Peter Hall, lord bishop of Winchester.
 Dr William Bow, lord bishop of Landaff.
 Dr William Lloyd, lord bishop of Worcester.
 Dr Thomas Sprat, lord bishop of Rochester.
 Dr Jonathan Trelawny, lord B.D. lord bishop of Exeter.
 Dr Gilbert Burnet, lord bishop of Salisbury.
 Dr Humphrey Humphreys, lord bishop of Hereford.
 Dr Nicholas Sanderford, lord bishop of Chester.
 Dr Symon Patrick, lord bishop of Ely.
 Dr John Hough, lord bishop of Coventry and Litchfield.
 Dr John Mordaunt, lord bishop of Hereford.
 Dr Richard Cumberland, lord bishop of Peterborough.
 Dr Edward Fowler, lord bishop of Gloucester.
 Dr John Hall, lord bishop of Bristol.
 Dr James Gardiner, lord bishop of Lincoln.
 Dr John Wallington, lord bishop of Gloucester.
 Dr William Talbot, lord bishop of Oxford.
 Dr John Evans, lord bishop of Bangor.
 Dr William Nicholson, lord bishop of Carlisle.
 Dr George Hooper, lord bishop of Bath and Wells.
 Dr William Beveridge, lord bishop of St. Asaph.

The Queen's Speech on opening the Session [November 9. The Queen opened the Session with the following speech to both Houses:

"My Lords and Gentlemen; I have called you together as soon as I thought you would conveniently come out of your vacations, that we might be best in making our preparations for carrying on the present war, in which I do not doubt of your cheerful concurrence; since we cannot but be con-

vinced, that on the success of it depends our own safety and happiness, and that of all Europe.—I hope I have improved the confidence you reposed in me last year, to your satisfaction and the advantage of us, and ourselves, by the treaty with the king of Portugal, and the declaration of the date of Spain, which is a great measure that is expected in the church's favor with which you supported me this year, and the continued service you trusted me in the conduct of it.) And we can not sufficiently acknowledge the goodness of Almighty God, who is pleased to afford us so far a prospect as we have now, of bringing it to a glorious and speedy conclusion—and must therefore desire your goodness of the House of Commons, to grant me such supplies as shall be requisite, defraying the charge of this war in the next year, with regard not only to all our former engagements, but particularly in our alliance lately made with the king of Portugal, for recovering the sovereignty of Spain from the House of Bourbon, and restoring it to the House of Austria, which treaty being in itself of the highest importance imaginable, and requiring all possible dispatch in the execution of it, has necessarily occasioned a great expense even in this present year, though not so much as it will require, and for which, I hope, we shall be amply recompensed in the next.—The subsidies which will now be immediately required for the execution of the date of Spain, will likewise occasion a further necessary charge—and must take notice to you, That though no personal provision was made in the last session, either for the charge of our present expedition to Portugal, or for that of the negotiation-treaties desired by the States-general, yet the funds given by parliament, have held out as well, and the produce of the press has proved so considerable, that you will find the public will not be in debt by reason of either of these additional services.—I say further to you, That though the funds for civil government are diminished by the war, I have, in conjunction with the States-general, contrived out of my own revenue to worth some public services, and particularly the support of the circle of Sweden, whose firm adherence is the interest of the allies, under the greatest pressure, delivery well deserve our reasonable assistance. And I shall not be careful not to engage myself in any unnecessary expence of my own, that I may have the more to spare towards the care of my subjects.

"My Lords and Gentlemen; I formerly with some easy and less chargeable method could be found for the speedy and effectual raising of the fleet,—I must also recommend to you, to make some regulation for procuring the necessary price of coal. I have examined that matter, and taken particular care to appoint conveyers for that service; but the price has not been in the least abated, notwithstanding a very considerable quantity has been imported since that time: The government proposed of imposing there may be a limitation of these persons to themselves by a general apprehension of

others, and particularly the poor. It will deserve your consideration how to remedy this great inconvenience—and in all efforts I must recommend to you as much depends on the nature of them will remain, I have necessary to make our progress earlier, as which is great measure depends the good success of all our attempts—I want words to express in your capacity does, affecting all our subjects in perfect peace and union among themselves, I have nothing so much at heart as their welfare and happiness. Let me therefore desire you all that you would carefully avoid any heat or divisions that may disappoint me of that satisfaction, as it gives encouragement to the common and evil of our church and state."

The Lords' Address follows [Nov. 10] The Lords presented the following Address to her Majesty.

"We, your Majesty's most devoted and loyal subjects, the Lords spiritual and temporal in parliament assembled, do offer up our hearty acknowledgments to Almighty God, for the preservation of your royal person, so essential to the happiness of your people, and the safety of Europe—We are, with the greatest satisfaction, the more with which your Majesty appears—the public anxiety which causes you even beyond the obligations of your treaty, in defence of the house of Austria, against the usurpation of the house of Bourbon; and the glorious contest of that family to the monarchy of Spain, which we have great reason to expect, from the late alliance with the King of Portugal, will be closely owing to your Majesty's arms and assistance—Your Majesty may depend upon security at home, in the love of our people. Our persons and fortunes shall ever be ready to defend you upon all occasions; and your Majesty may therefore, with the greatest safety and glory, send your fleets and armies abroad, in the defence of your allies—The happy Declaration of the duke of Savoy, for the common interest, gives your Majesty a reasonable opportunity to show your compassion and concern for those Protestants in the South of France, who lie under the heaviest persecution and oppression.—We lament, for ourselves and others, the unavoidable expenses of war, but have reason to thank God, and your Majesty, that we are free from all the other calamities of it, having almost nothing else to wish for (being assured of a Protestant succession) but your long and happy reign over us. And we shall most willingly pay our proportion of taxes, encouraged by your royal generosity for the sake of your people, and by the frugal management of what is given; being sensible there is no better way to save the wealth of the nation, than by carrying on the war at this time with the strict rigor—Your Majesty may expect from us a most ready compliance with all your desires, so justly warranted by your care of the general welfare and happiness of your people, extended even to the poorest and meanest of your subjects.—This

appears yet more evidently, in that earnest and pressing recommendation to your parliament, of peace and peace amongst themselves, and us, in the most solemn manner, assure your Majesty, that we will not only obey, but oppose, whatsoever may tend to create any disputes or divisions amongst your subjects.—We shall never be wanting in any part of our duty, towards the supporting your Majesty's honours and your allies, not doubting but Almighty God will prosper your Majesty's arms, so gloriously employed to prevent all those whom the ambition of the French King would oppress."

The Queen's Answer [To which her Majesty answered:]

"I am extremely sensible of the particular concern you express for me in this address, and of your great zeal for the common cause of Europe.—I rely very much upon the assistance you give me of your duty and affection, and shall always rely on my best endeavours to establish the unity and happiness of the kingdom."

The Commons' Address [Nov. 11] The following Address of the Commons was presented to her Majesty.

"Most gracious Sovereign;

"We your Majesty's most devoted and loyal subjects the Commons in Parliament assembled, do humbly return your Majesty our most hearty thanks for your Majesty's most gracious speech from the throne.—We are truly sensible of your Majesty's earnest endeavours to bring the war to a glorious and speedy conclusion, of which your Majesty has given us so fair a prospect by your great wisdom and conduct, in engaging the King of Portugal and duke of Savoy in your alliance, for recovering the monarchy of Spain from the house of Bourbon, and restoring it to the house of Austria.—We do most gratefully acknowledge your Majesty's singular care, the good management and application of the public money, whereby your Majesty's Exchequer hath greater credit in this so expensive war than was ever known in the most flourishing times of peace; and your most aged and unparalleled grace and goodness to your people, in contributing out of your own revenue towards the public service, particularly your Majesty's most reasonable assistance to the circle of Sweden.—The many blessings we enjoy under your Majesty's most auspicious reign, and your tender regard to the general welfare and happiness of your subjects, partly merit our warm returns of duty and gratitude. And your Majesty may be assured, that your faithful Commons will support your Majesty in your alliance, and effectually enable your Majesty to carry on the war with vigour, to which nothing can more contribute than a firm union among ourselves; we therefore strive best further to serve your Majesty, than we will according to your Majesty's desire, and will stand any heat or divisions that may give or compromise the common interest of the church and state."

The Queen's Answer.] To which her majesty answered:

"I am well pleased with your assurances of supporting me in the present war, and your kind acknowledgments of my endeavours to bring it to a happy conclusion.—You may rest assured, as I shall always pursue the true interest of the kingdom, and want nothing that may promote the general welfare of my people."

Proceedings in the Commons on the Bill against Occasional Conformity.] November 25. A motion was made in the Commons, for bringing in the bill against Occasional Conformity. great opposition was made to it; the motion was against it, but it was carried by a great majority, that such a bill should be brought in. A new draught was formed. In it, the preamble, that was in the former bill, was left out. The number, besides the thirty, that made a quorum, was enlarged from five to twelve: and the fine set on those who went to conversation, after they had received the sacrament, besides the loss of their employment, was brought down to fifty pounds.

Mr John Partridge's Speech thereon.] The following Speech was made by Mr John Partridge on that occasion, and seems to contain the sense of the majority of that house:

"Mr. Speaker, her majesty has been pleased in all her speeches, to give us so many assurances of supporting the church of England as by law established, and also such instances of being present at her presence on the particular, that I think she very justly deserves the title of Defender of the Faith. Her desire to see this bill succeed the last sessions of parliament, was manifestly shown by the privilege of Denmark's constant attendance upon it, and I believe the reason why some persons opposed it, was because the queen refused to expose it.—But pray, gentlemen, let us consider, how does this bill come to be lost? why, two or three weeks have been by taken to be spent in the discussion of the bill was impeded to their want of attendance, when at the same time they were desired to be out of the way. And now, sir, I think, that we, who have given famous millions of money for the preservation of the Protestant Religion, should have something at least in a bill to prevent Hypocrisy.—It was a law among the Athenians, that when any matter of difference arose in the council of Athens the arbitrators should take one side or other, so that they had ruled them the city, and truly so when members of parliament, and members of state stand longer in matters that nearly concern the interest of the church of England, and have not courage to own their opinion, I think they very well deserve to be turned out. Every gentleman here is sent up to give his vote, and when he declares that, he cannot be properly said to serve the place he represents. The trade to be in want out of conversation.—But pray, sir, let us return into the morning of all this reasoning. Will we should be studying a party of men, that are against the church and

government whose principles of hatred and malice to the family of the Stuarts depends on them by inheritance? were, or, that offered open violence to her majesty's royal grandfathers? men that have not only the impudence at the time to justify that fact, but to turn the day of his murder into a holiday, and keep a call-head-hunt in the city. And can we suppose that those who are enemies to her majesty's person and office, and that were to be hindering her from coming to the throne, would not be glad of any opportunity to show her out of it?—Are these the men to be encouraged and encouraged? this is plain English makes me believe this country has too great a resemblance of the last; then my Lord S——d is come from the dead, and now become prime minister of state.—And now I am upon this subject, give me leave to tell some gentlemen here, who have been bawling and roaring against persons for taking places in the lace regis, that it is a reflection upon them to hold and continue these places, in the company of those that they have been exclaiming against.—They may remember, if they please to recollect the language in the late regis.——, you must turn this gentleman out, or else I cannot serve you.—And if any gentleman was in the service of the church of England, 'twas a reflection upon him for being employed. No gentleman of the principle was then thought fit to be a deputy-lieutenant, or a justice of peace. If we would make the same resolution, and the same spirit, things might be better managed than they are.—I did wonder to hear so many Bishops against this bill, but that was the error, when I considered when they were then parliament in. The Archbishop of C——, I think, was promoted in that see by my Lord S——d's interest; and being asked what reason he had against this bill, replied, he had not well considered the bill, but that my Lord S——d told him it might not be good.—This was a very singular reason for the head of our Church to give, and yet, I dare say, some of the rest of them could give a better. One would be provoked, by the late behaviour of the Bishops, to make for leave to bring in a bill for the toleration of Episcopacy; for, since they are of the same principles with the dissenters, it is but just, I think, that they should stand on the same foot.—Now, sir, give me leave to answer some objections made against this bill. The first is, that it is unreasonable at this time. Why unreasonable; is it not as reasonable for us to pass a law, for the further defence of the church of England here, as it was for Scotland to pass an act last session for the security of the kirk there? why unreasonable? does the service of our arms abroad, for the saving money at home depend upon it? no gentleman can say, that either of them do; and were there can be no objection made against the goodness of the bill, why should we defer the putting it in execution?—Another objection against this bill, is, that it will create divisions?—Now we to show a schism to avoid divisions? the Dissenters

hold a candle to communicate sometimes, and if so, why unlawful to communicate at other times? But ah! the fear of offending dissenters is to be equal on an argument, and not providing for the church of England. Lather the majority must think we seek to good natured, as not to be displeased at any thing they do, or else that our number is so considerable, that they do not release if we are displeased.—Another argument against the bill proceeds from the number and strength of the dissenters. That I take to be an excellent argument for the bill, for, if they are so strong and numerous, it is high time for us to guard ourselves against them, and I appeal to every gentleman here, whether one dissenter in place is not capable of doing more mischief to the church of England, than twenty of us suppose. Mr. Speke, the dissenters had the power in their own hands (as they well might) in a short time, if not restrained) would they visit the church of England in the places of Paul, and have the legislature, upon occasions of conformity.—The majority has been so generous in thought as to further security they think fit to the religion in Scotland; how comes it, that as a gentleman should represent her majesty as much concerned to preserve a religion she is not at, and to unwilling to grant a measure not to a church in which she ought to be united? According to this method, we might expect the Scottish dissent to be brought again into England, and that the Presbyterian party of that kingdom, should reconvertize (as they did to her royal grandfather) the residents of living in religion, and was worship in both his realms.—We have been under great obligations to every dissenting gentleman was, and have been instructed in persons desiring a French government, and all the others we are like to have in our universities and colleges, in our parishes and chapels, is, that these persons are like to just to become our masters, which is every good man's concernment.—Mr. Speaker, I take this practice of Occasional Conformity, to shake the force of one of the best laws made in the church of England's defence, that it is scandalous and dishonouring to us, and I will pretend to hazard it; that, by the benefit of this Occasional Conformity, the dissenters will come to be the majority of the house; and then I will venture to pronounce the days of the church of England few. That I may not see such dismal effects of our pretended moderation, I heartily wish success to this bill."

The Bill passed the Commons [Dec. 7] *The Bill passed by a majority of 133 to 142 *.*

*—Narrating the queen, who had been informed that the Occasional Conformity Bill had obtained a great part of her subjects, who were otherwise well affected to her government, and no less able and anxious to assist her in carrying on the war, had endeavoured, by the warmest expressions, to dissuade the parliament from the passage, yet that bill was again revived. As this had been foreseen by the ma-

Debate in the Lords on the Bill against Occasional Conformity. [In the beginning of December the Occasional Conformity-bill was again sent up to the Lords, where it occasioned

great party, Dr. Thompson, who now seemed to have forsaken his party, by the encouragement, and with the approbation of the lord Balfour, published a book, entitled, 'Enquiry upon power at home and war abroad,' wherein he inferred what her majesty had lately recommended from the throne, and understood as being all sorts of men in her midst their heads and consciences, and to write in their own defence, against the common danger, with design to demand the bringing in of the Occasional Bill. At the same time Mr. Humphrey Mackenzie published a small treatise, 'in defence of the Commons relation to the Conformity Bill; which pamphlet, however, contained little besides the arguments used a year before on the same subject. At length, about a fortnight after the meeting of the parliament, a motion was made in the House of Commons, for bringing in 'a Bill against the said Occasional Conformity.' Great opposition was made to it: the court was against it; but it was carried by a great majority, that such a bill should be brought in. A new draught was accordingly formed. Though it was the most substantial with the possible, which was in the former bill, yet in several things it differed. The preamble against 'provision for commerce only,' was now left out. The former bill began, with mentioning the 'not of engagement,' saying, 'That God's law ought necessarily to be observed,' whereas, this takes out the first clause of it. The bill began with an avowing the experience and labours, which it says, 'expressly intended that all persons to be admitted into such offices and employments, should be, and should ever be conformable to the church of England, as by law established; which act, it says, "have been notoriously eluded, &c." And in the 'enacting part,' whereas the former bill allowed but four besides the family where a certificate was held, this allowed none, and collected no punishment, unless there was ten at more, besides the family. The penalty in the former bill was 100*l.* for every day that the persons concerned continued afterwards in office. But now it was brought down to a fine of 50*l.* There were also some other differences. There were articles, by which it was hoped, upon such advantages, to carry the bill on easy terms, and when that point was gained, it could be easy afterwards to carry other bills of greater severity. There was now such a division upon this matter, that it was fully debated in the House of Commons, whereas before it went there with such unanimity, that an opposition to it could be hardly made. Those who opposed the bill, said chiefly upon this ground, that the bill put the dissenters in a worse condition than they were before; and that it was as much upon the Test-worship, which ought not to be made, and

the following debate.

The bishop of Salisbury^a (Dr. Burnett) said:—*My Lords*, I am very glad to find, that how much heat cover this matter has raised already, yet none of that has appeared in all the debate. It is heat of mind and not appeared in mine, yet cooling has been mixed with it so-

they had not deserved it by any ill behaviour of theirs, by which it could be pretended, that they had incurred any of their benefits designed by that act. That things of that kind could have no effect, but to embolden the nation with new disturbances, and to disgust persons well-affected to the queen, and her government. That it was necessary to continue the happy quiet, that the nation now enjoyed, especially in this time of war, in which every the smallest of perturbations made too steps, for fear of uniting all kingdoms too much. The old topics of hypocrisis, and of the danger the church was in, were brought up again on behalf of the bill, which passed the Commons on the 7th of December, by a great majority, and was sent up to the House of Lords, where it experienced a debate of many hours, whether the bill should be maintained as read a second time, or thrown out. The prince of Denmark appeared no more for it, nor did he come to the house upon this occasion. Some who had voted for it in the former session, kept out of the house; and others avowed, that they now further into the danger of the bill, and so voted against it. The bishops were almost equally divided: There were two more against it than for it. Bishop Burnet distinguished himself by his speech against the bill. He gave the Lords an account how the Test-act had been carried, and mentioned the many practices of the Papists, in order to set the church against the dissenters, and the dissenters against the church, by turns, as might serve their ends. He ventured to say, that a man might lawfully communicate with a church which he thought had a doctrine and a worship uncorrupted, and yet communicate more frequently with a church, which he thought more perfect; and that he himself had communicated with the churches of Geneva and Holland, and yet at the same time communicated with the church of England; so that, though the dissenters were in a mistake as to their opinion, which was the more perfect church, yet, allowing them a Toleration in that error, this practice might be justified. Several of the temporal lords spoke also against the bill, particularly the lord Greyhound, the duke of Devonshire, the earl of Pembroke, the lord Malton, the lord Ferrers, and the lord Wharton. The last of these, to show the unreasonableness of any thing, that led to persecuting their Protestant brethren, took notice of the distracted state of Scotland, and of the madness of the Papists in Ireland; adding, that the house ought rather to maintain the parliament of Ireland in their seat against popery, than to frame laws to excite dissensions here. (Now did the lord Malton stick to say, "That if they passed

becoming the dignity of this house, and the solemnity of a great council: it is a disadvantage, especially to one of this bench, to speak against any thing, that is the sense, and best appearance, seems to be intended for the service of the church; and, I am sure, if I were not fully convinced that it is not so, but that,

that bill, they had as good sack the persecuted prince of Wales to it." Upon the whole matter, it was carried by a majority of 21 not to give a second reading, but to reject it. The clergy over England, who were generally informed in this matter, could hardly forgive the queen and the prince the coldness, which they expressed on this occasion. The lord Godolphin did so positively declare, he thought the bill unreasonable, and had done all he could to hinder its being brought in, that, though he (as well as the duke of Marlborough) was only voted for a second reading, but also entered their dissent against the rejecting it, the party were transposed against him, and set up the earl of Rochester, as the only man who depended on, and who deserved to be the prime minister." *Trial.*

"The Bishops were almost equally divided. There were two more against the bill than for it. Among these I had the largest share of censure on me, because I spoke much against it: I knew how the Act of Test was carried, as has been already shown in its proper place; I related that in the House, and the many practices of the Papists, of setting us off the church against the dissenters, and the dissenters against us by turns, as it might serve their ends. I ventured to say, that a man might lawfully communicate with a church, that he thought had a worship and a doctrine uncorrupted, and yet communicate more frequently with a church, that he thought more perfect; I myself had communicated with the churches of Geneva and Holland; and yet at the same time communicated with the church of England; so, though the dissenters were in a mistake, as to their opinion, which was the more perfect church, yet allowing them a Toleration in that error, this practice might be justified. I was desired to print what I said upon that occasion, which drew many violent pamphlets upon me, but I answered none of them; I saw the Jacobites designed to raise such a flame among us, as might make it scarce possible to carry on the war; those who went not so deep, yet designed to make a breach on the Toleration by passing this point: And I was resolved never to be silent, when that should be brought into debate; For I have long laboured on liberty of conscience, as one of the rights of human nature, according to reason, which no man could give up, because it was not in his own power; And our Saviour's rule, of doing as we would be done by, seemed to be a very express direction to all men, who would lay the matter before their own conscience, and judge as they would willingly be judged by others." *Burnet.*

how well never it may be attended by some, the effects of it will be quite contrary. I could not have a heart, or a firm to speak against it, but should promote it with all possible aid.—I confess, I am already bound up, as to the particular, and determined by a promise solemnly made to the queen. Her majesty recommended union to us, with a particular recommendation of unity, when she said, she wanted much to express how extremely she desired to see union and a good agreement among her subjects. I am sure, we must all want much to express a due sense of that royal tenderness and care of us. In our Address to her majesty we promised, not only to avoid, but to oppose every thing that might tend to create division and disorder. And I do freely own, that I had then the very thing in my thoughts, as I believe a great many others had, and therefore I look on ourselves under an obligation now, to perform what I then promised. I know, some of our order, as well as myself, in particular, have been very industriously, and I judge, very usefully employed in many printed libels upon this very occasion, as if we were the enemies to the church, because we claim a right this bill for its service. The motion we are in now is above the answering every spiteful insinuation. But, next to the queen, we owe it to your lordships to satisfy you, if any thing sticks with you. We hope we may appeal to the world, and to our consciences in every particular, whether our labours do not show a true zeal for the church, in all its concerns? We are the dropouts of the cross, and must go through good report, and ill report; but we hope, we are so well known, and here acted so long in a public scene and have acted such a part on us, that we may reckon ourselves above such calumnies.—*Edw. St. Paul* said, he became a fool in glorying, but it was when others rewarded him so; we must freely own, that there have been such rewards every so in every reign, since the reformation, that those are blamethings not easily wiped off. The burnings in king Edward's reign in the reproach of that time. The capital proceedings in queen Elizabeth's reign, and the severe act of the 24th year of it, that punished meetings with imprisonment, banishment and death, is a blamething, even on that long and glorious reign. The repeal of that act put to both houses; and it is known by what management it was, that it was not tendered to the royal assent. The mention of queen Elizabeth's reign leads me to take notice of what has been said in relation to the means, by which the government herself, as if she had been infinitely steady in the observance of the laws in matters of religion. It is certain, that she treated the papists all along with very particular solicitation; she would have the pains extracted from the obligations to take the oath of supremacy; she employed persons in all her affairs; they were privy counsellors, and had honours; her lord treasurer protested against all acts for the reformation, and was known to be a church-papist, or an

occasional conformer; and yet he continued in that great post 14 years, till he died; she encouraged the occasional conformity of papists, and apprehended no danger in that, even from them, and yet, I hope, it will be acknowledged that there was more reason to be afraid of them, considering both their numbers, and the hopes of a papist recovery; than we were ever to be afraid of the Dissenters. She encouraged occasional conformity, and she took very many sinners; but the Pope now what it was fit to do; and therefore he took care to put a stop to it.—The revenues in king James's reign cost a little to it; and the proceedings in the Star Chamber, and the High Commission, were as much by a noble historian, as things that did not a little contribute to bring on us the revenues of a Civil War. The proceedings in king Charles the second's reign were worse, and all on both bad designs. That is a case, both of war and of plague, such an act as the Three Acts should have passed, will secure all the king the secret of that case. Since since the restoration, it had been a very easy thing to have made up all differences saving it, but the design was to subvert them, and that matter was far deeper, as we all know. The act of Bristol called together a meeting of the heads of the papists, and tendered them an oath of secrecy, as the lord stafford told me in the Tower, and told it likewise at the bar of the House; he told them, that the breach between the church and the Dissenters was now fixed, and would be cured nothing; it was therefore their interest to make use of all the provisions the Dissenters might meet with, and to offer their assistance to them, in order to the engaging them to perform for a general Toleration; yet they could never be brought to it. When the declaration for a general Toleration, in 1679, was presented in parliament, which brought on the act of the Test, set forth in the preamble of the bill, the lord Clifford got some to move in favour of the Dissenters, hoping that would have prevailed either the one side or the other, and that either the Church party might be offended with the motion, or the Dissenters with the refusal. That was stoped by alderman Love, who died, though his own persuasion was well known, that nothing with relation to them might now be to stop the secrecy, that the nation, or the Protestant religion would have by that; so that he was seconded by most of that party so that the act was obtained, in some measure by their assistance, and therefore it was so hard to turn it against them, for the king's then highly offended with them, for the pulling up his Dissenters. That brought so much to that House, that was so much for the Church, that they ordered a bill to be brought in the East of Protestant Dissenters, in which high progress was indeed made, yet to the end of that parliament the Convocation were not very pacifically, and they were passed a very good made an address against them. In the king Charles's reign we all remember the

the persecution of them was not so long; and even then, when the measures against them were very hard, they were followed by the spirit of the court to petition for a general Toleration, but they could not be prevailed on. When some of them did so long, France's rage is well known, and cannot be repeated. By all accounts, then, the whole management, with relation to Dissenters, was an artifice to advance a Popish interest, which more could give a just picture of every thing that looks that way. After the late king had delivered us from all our former dangers, to whom (for singular and unlikable men breed his memory to this point) we owe our present happiness, and that we are now sitting here, his next care was to secure the Church of England by the Act of Toleration, which has not only set the Dissenters at ease, but has made the Church look stronger and safer, since God has so blessed our labours, that we see the Dissenters have as much strength as we give by it. The banishment by these dissenters is much affected, and their numbers are abated by a moderate computation at least a fourth part, if not a third. But now they are alarmed and begin to put on more zeal, for they apprehend the Toleration is turned up, and that how little so ever seems to be in this bill, it is a step, and will be followed by more, that are kept in reserve till this point is more gained. The very step may be for their wives and children, and so the matter may be carried on till the whole Toleration is broke through. If our jobs at a great style don't keep out the sea, it will be thought, how could a branch ever be made, as first, that he designs a total suspension. This we see we weaken and shake the Dissenters, it will still grow weaker, and be no longer good, and by this means we at the Church shall not have a free and unobscured way to work on their consciences, which we are to do with so much success, when once their passions are kindled against us. The present state of our affairs makes this an almost impossible. It is a common maxim, followed even by persecutors, to keep things quiet in us, when matters are engaged; it may especially work a way to this, which is the general necessity, where all is at stake. There now happens great numbers in way, and it is now very probable to have Dissenters or Independent in great numbers, at home, which may come to have several effects, when we are to be good condition to deal with them and have numbers of Foreigners when during the first or two years of the last reign, it was the common topic of the papers of France, in the course of our affairs, that England was so distressed by factions at home, that there was no room for us, so that the same arts are now pursued. Portugal and Sicily are two states of the greatest consequence to us, who have so much to make the long this will be in opposition, but as they hope to be secured by the measure, the more, and the Dissenters of England. Any thing that divides

and weakens us must give them a distinct prospect, and may make very dangerous impressions on them, whereas our aim is to keep and the maintaining the happy union the nation is now in, will rather than to depend more firmly on our treaties with them.

Some changes may just happen, when they meet with present times, and some for things without doors, are the known and approved measures of the government, who draw the people's eyes, and are looking to see how well on. We think that those who speak to from any other law, and have raised a reform in it, will be without for the peace and order of the church. They are anxious for something else, and therefore we may well believe their dealing in this particular, is with a view to that to which they are drawing. Our author, who has sent two books in behalf of this bill, is known to be the first-born Jacobite in England, and does not conceal it even in these books. In one of them he says, he is one called an high church-man, There are now times of distraction, raised on design to distract us yet more. I know an high church, but the church of Rome, and that author L—— has in another book showed us how near he comes to that Church, when he proposes, that a Treaty may be set on foot between our convention, and the assembly of the Clergy of France; and then we should show the royal supremacy, and then the papacy, and then he knows, all other matters could be easily adjusted. So here we see who are to be called High Church. Our legal establishment, founded upon the primitive pattern, is the true essence of our Church, and those who rise above it, are as much out of the way, as those who fall below it. But I know one of the numerous papers of the age, who used often to say, He was for the Church of England as by law established. I took the liberty to ask him how such a professor did agree with his sincerity? He answered, He looked upon the laws of queen Mary as yet as full force, for he thought queen Elizabeth, who repealed them, had no more right in the throne than Oliver Cromwell had, so that her laws were no laws. I confess, once more that now, I have been jealous when I have seen persons pressed to work real for the Church of England. The step with which that matter is drawn, does between the protestants. But a great matter could the bill produce, if there were no serious persons reflecting upon it, that our church should be indirectly invited, to cease to stand off as she is at present, and do not apprehend that we need it? We have, in the whole course of our lives, referred to the success of the church at all points, and in all times, without once once in any particular bearing to the Dissenters and yet we, who have been our whole life long, by our labours and writings, building up the church, must now be defamed as the underminers, because we cannot comply with a law more natural. The head of our order is misrepresented with as much injustice as weakness, thoughtless as we, the best of the church in

the most dangerous tenets, and false stories are made, and publicly reported of him. I have not to use harsher words, but this could be the better manner, if it were not for the relations and dependencies of those who visit them. I might have met with a large share of such treatment, though in no way or part of my life, I ever gave the least occasion for it. When I wrote the history of the reformation, for which I had the thanks of this house, I was then under no laws, I had neither favour nor interest to be for, so that I wrote purely what was my own sense of things; and yet I took care to mark all the first beginnings of non-conformity, all the grounds they went on, and all the colours that imposed on them, and have showed the mistakes and weaknesses at every one of them with an honesty and zeal that ought to set me beyond suspicion. But I now I began the world on a principle of moderation, which I have carried down through my whole life, and in which I hope I shall continue to my last end. There was a time when those who are now so furious, and perhaps as full of hopes, avoided my service, and I had some credit, which for some years was chiefly employed in those labors. Your lordships may remember with what vehemence I pleaded, for removing the dissenting bishops from the see. Others were silent, and now men in great power, who, I am confident, will do me the justice to own, that I was the common agent both for prayers and regulations distinct, for which we are now so disingenuous. But now to speak to the title of the bill, Occasional Conformity, I stand in the general number of the, but as it is accompanied with error and mistake. For a particular instance, I myself was an Occasional Conformist in Geneva and Holland. I thought their churches were irregularly formed, under great defects in their constitution, yet I thought communion with them was lawful, for their worship was not corrupted; but at the same time I continued my communion with our own church, according to the Liturgy of this church, with all that came about me. And if the design of some of the promoters of this bill should be brought about, and I dare say and may, (when among other unpardonable people, I should be at first knocked on the head) I, in that case, would communicate with the foreign churches, but would be no member of either church about me, and still continue to worship God, according to the Liturgy, to my life's end. So I think Occasional Conformity, with a less perfect church, may well consist with the continuing to worship God in a more perfect one. It requires that a great of opinion which church or society is the less perfect. In this I am wrong, our church is the more perfect and regular, and that the separation is founded upon error and mistake, and that true edification is among us, and continuing down, but some of them by unhelpful education, think otherwise, and in this they are certainly to blame, as they are in every part of the separation. But if it is intended to divide them under their other

mistakes, I do not see why this should not be intended likewise, since it is much less dangerous than the other practice, which are not at present complained of.—The noble lord next, whose ye are now all standing with pleasure, finds great fault with those who do not go to the French churches, even where they had no indisputable charge to resort to, though they was formerly an Occasional Conformity with a less perfect church, where there was no obligation to go to it; and when they had a more perfect one at hand. It has been a topic repeated on by all who have writ against the Dissenters, from the first beginning of the disputes down to the present times; they have been always called on to come in near the church as they could, and to do all that they could do with a good conscience, and therefore, before the wars, great difference was made between the Puritans and the Brownists as separatists, on this very account. But now all this is reversed, the separatists are well looked on, whereas those who came much nearer to us, are discouraged, though we all see, that this was step, by which many came over cheerily to us, and the children of others descended into a constant communion with us; and we should give out a scandal on this to discourage it.—In my discourse, those who are Occasional Conformists out of principle, who sometimes go to church, and go sometimes to meetings, are without number; who yet have no office, and usually pretend to none; I confess I do not doubt to give it too hard upon them, that they may be do both, but then, (instead of keeping them in meetings, better than from coming to church, I have found but of use in my doctrine, who go to meetings, and that is only to a worldly interest.—Therefore, since Occasional Conformity really is to be blamed, when it goes upon as error and a mistaken principle, I do not see why it should be worse treated than the rest that are now tolerated, for as, of all the errors, that which has done the greatest service to the church.—I now come to the bill itself. I am a sensible man, that was in the former bill, in favour of Toleration, which is now left. I confess I don't know how it came to be thus; for it did not very well agree with the bill, especially as it was that was up to it. I put me in mind of a clause in the petition of the petitioners; when a heretic is captured, and delivered to the secular arm, they expect the judgment by the sword of God, and all benefits of Jesus Christ, that we have heard of in the Christian service, nothing in which he; but all this is left alone, for he is to be burnt immediately. Yet, after all, the church were a serious declaration that they had been before, if other matters were afterwards altered at. They are left out with great anxiety, no doubt of those who do not intend to maintain the Toleration-Act, a very honest part when it will not produce it. I know it may be said, that it put up their words, and gave to them, still this will not lay the apprehensions,

great more the last year for the army, but what great matter have we done? For my own part, I think no man can reasonably expect more from what we are now doing this year, than we were again last year, and give more, and so on.—And as to our Navy, what a vast and fruitless expense have we been at! I sometimes in your speeches, cited a passage from two books, a pair one in praise of and Jacob's prophecy in his own language, in the 33d chapter of Genesis. Jacob's two strong arms, trudging under two burdens, he bore his children "so long, and became a servant to them." I believe this prophecy has been fulfilled elsewhere.—Was there ever such an expenditure undertaken as that now the struggle, last summer? I could never get men work that men who could give a fine noble account of it. Sure, no man will say that it was so every one your money, that was to put the nation in a million expense in every way for 1802 and 1803, and a kind of account of it as much over to him as home. But will any say, I think, now, that so great a force was sent thence to make the States-general declare for the Emperor, and then leave them to do as they will of the French. How very true, so that it does not plainly showed how little value is set on the confidence we put by you, last year, it showed also the weak tenor of our conduct, that does so little what we do it.—But the a something, my lord, that some all around me, every body knows, that the discharge of all our expectations and designs of placing the house of Austria on the throne of Spain, is lost in the assistance we expected from Portugal; we know too, by the course of that prince's conduct and treatment with us, that no promise is guaranteed more by treaties. Why then, that was a greater part of so that a fleet left there to quell them, or secure land war, it is so accountable that he should have any just cause to complain of himself in the expense or neglect.—No man knows what difficulties or delays may force him to.—A noble lord, with a whole wall, were it as a reason, who, though he was against the passing of all this bill, yet, when it had passed another place, he was for it; because the not passing of it now, he feared, would create a great disturbance in our affairs, which I take to be a great reason against this bill. For it is very well known, the leading part of the reason are most concerned in it, and, if this bill should pass, the real effects of it would soon be found in the Exchequer.—Besides all this, my lords, what great and irreparable losses have we had? The parliament may vote money, and money may hold ships; but it is impossible to recover our money, nor is there any encouragement to them, or remedy for them.—There is one thing more, my lords, which I will at present not name, because, upon some other occasion I intend to speak more of that point. It was perhaps even too big to be named, but I shall state that any thing so, that may prove dangerous in the way or government: it is the extraordinary increase of one or two persons. A thing that has been

very fatal to the royal family, and what has been, may be. I will only at short say, when all the favour is bestowed upon one or two persons, when all the power by sea and land is wholly or partly in our hands; when all the offices, like a set of locks, are commanded by one master key; I greatly fear a never may again. And both in civil and military—though not have only a responsible and say, whether your lordships consider the present position of our affairs, either at home or abroad, by sea or land, in a court or camp, I can never think, that a proper time for such a bill."

These two lords were supported by the Duke of Devonshire, the Earl of Pembroke, the Lord Mordaunt, the Lord Ferrers, and the Lord Wharton. The last of these, in 1804, the anniversary of our being in a battle even to land in possession, in a state of the day and night or Ireland, to all the members of the House of Commons; adding, they ought rather to secure the permanent of the House of Commons, in their and against papers, does in being long to serve as their do elsewhere. And the Lord Mordaunt, a peer extremely conspicuous in his party, and his efforts in the parliament were not, did not hesitate say, that if they passed this bill, they had as good took the present position of Wales to it.

The bill (readily). Upon the whole matter, the bill, after a second reading, was rejected by a majority of 11 voices.

Abstract of the Proposed Conformity Bill. As there is some difference, especially in the preamble, between this and the Bill of the preceding year, it will not be improper to state an Abstract of it in this place:

"Whereas by an act made in the 15th year of the reign of King Charles 2, entitled, An Act for the better governing and regulating of Corporations, it is, among other things therein contained, enacted, That from and after the 1st day of March, 1693, no person or persons should nor may be placed, elected, or chosen in or to any office or place of mayor, alderman, recorder, bailiff, town-clerk, common-councilman, or any other or offices of magistracy, or place, town, or other employment belonging to or concerning the government of any city and corporation, within the Kingdom of England, dominion of Wales, or town of Berwick upon Tweed, who should not within one year and before such election or choice, have taken the Sacrament of the Church of England; according to the rites of the church in England; and so difficult thereof every such placing, election and choice, was thereby enacted and declared to be void.

"And whereas, by another Act made in the 15th year of the reign of the said King Charles 2, entitled, An Act for preventing dangers which may happen from popish recusants, it is enacted, among other things therein contained, That all persons, who should be admitted into any office, civil or military, after the first day

East term, in the year 1713, should receive the Sacrament of the Lord's Supper, according to the usage of the church of England, within three months after their admission, or some public church, upon some Lord's day, and that all persons, who should neglect or refuse to take the Sacrament, as aforesaid, should be, upon oath, adjudged incapable, and disabled in law in all respects and purposes whatsoever, to hold or enjoy the said offices or employments. By which and several acts it was manifestly intended, that all persons to be admitted into such offices and employments should be, and always remain conformable to the church of England, as by law established; yet the said acts have been most notoriously and audaciously eluded by many Dissenters from the church of England, who have received the Sacrament of the Lord's Supper, in order only to have or retain such offices and employments, and to evade the provision of the said laws, and have afterwards withdrawn themselves from the communion of the church of England, and returned to communion for the service of religion, in other manner than according to the usage and practice of the church of England.

"For the preventing therefore such a scandalous and irreligious practice for the future, and the evil consequences thereon,

"Be it enacted, &c. That if any person or persons, after the fifth day of March, 1704, either personally or otherwise, who here, or shall have any office, civil or military, or shall have any command or place of trust, from under his majesty, her heirs or successors, or from any of her majesty's predecessors, within the Kingdom of England, &c. or in the navy, or in the several islands of Jersey and Guernsey, or shall be admitted to any service or employment in the law, civil or military of her majesty, her heirs or successors, or if any in any station, or other power, bearing any office of magistracy, or place, or trust, or other employment, relating to, or concerning the government of any of the incorporated cities, corporations, &c. who by the said several acts, or either of them, were, or are obliged to receive the Sacrament of the Lord's Supper, according to the usage or usage of the church of England, shall at any time after their admission into such respective offices or employments, or after having such power or trust, command or place, or trust, during their continuance in their offices or employments, knowingly or willingly refuse to, or be present at any sacrament or marriage, under pretence of any reasons of religion, in other manner than according to the usage and practice of the church of England, in any place within the Kingdom of England, &c. at which sacrament they shall be so present or more assembled together, shall forfeit 50*l*. to be recovered by him or them that shall sue for the same, by any suit or suits, bill, plea, or otherwise, in any of her majesty's courts at Westminster, wherein no offence, or pretence, or usage of law shall be showed, or any usage then now in operation."

"And be it further enacted, That every per-

son committed in any action, or upon any information, in any of her majesty's courts at Westminster, or at the assizes, shall be disabled from thenceforth to hold such office or employment, and shall be adjudged incapable to bear any office or employment whatsoever, within the Kingdom of England, &c.

"Provided always, That if any persons, who shall have been convicted, and thereby made incapable to hold any office, shall, after such conviction, continue in the church of England for the space of one year, without having been present at any sacrament or marriage, and receive the Sacrament of the Lord's Supper, according to the usage and usage of the church of England, at least three times in the year, such persons shall be capable of the grant of any the offices or employments aforesaid.

"Provided also, and be it further enacted, That every such person so convicted, and afterwards conforming in manner aforesaid, shall at the next term after his admission into any such office or employment, make such declaration in any of her majesty's Courts at Westminster, or at the next quarter-sessions for that county or place where he shall reside, that he has conformed to the church of England for the space of one year, before such his admission, and that he hath received the Sacrament of the Lord's Supper at least three times in the year, provided that no person shall suffer any punishment for any offence committed against this act, unless such he made of such oath, before some judge or justice of the peace, within ten days after the said offence committed, and unless due and credible be presented for the same within three months after the said offence committed: nor shall any person be committed for any such offence, unless upon the oaths of two credible witnesses in the law.

"Provided also, That this act, nor any thing therein contained, shall not extend, or be judged to take away, or make void any office of magistracy; nevertheless, so as such persons having or enjoying any such office of magistracy do, or shall substitute and appoint his sufficient deputy, to exercise the said office, and such case as such persons having such office shall require, as aforesaid."

[List of the Lords who voted for and against the Bill.] The following is a List of the Lords spiritual and temporal, who voted for or against the Bill.

FOR THE BILL

Lord Treasurer, and of Godolphin; Lord Privy Seal, Earl of Pembroke; Lord Privy Seal, Duke of Buckingham.

Dukes—Of Leeds, Bedford, Marlborough, Cambridge.

Earls—Of Jersey, Lord Chamberlain, Kent, Southampton, Northampton, Devon, Winton, Devon, Cambridge, Thame, Scarsdale, Angles, Devon, Northampton, Secretary of State, Rochester, Arlington, Plymouth.

Viscounts—Weymouth, De Longueville,

Barnes.—La Ware, Chandon, Paslet, Byrnes, Colborn, Duncroft, Starch, Gufford, Ashburnham, Barnard, Weston, Grenville, Curwry.

Deputies.—Of York, London, Winchester, Rochester, Chester, St. Asaph.

Protest.—Northumberland, Schomberg, Landorp, Great Chamberlain, Essex, Sandwich, Bishop of Durham, Bishop of London, Bishop of Ely, Wiloughby of Brook, Maynard, Leigh, Limes, Leipsner, Cowey, Curwry, & in all fifty more.

AGAINST THE BILL.

Dukes.—Of Devonshire, Lord Howard, Somerset, Master of the Horse, Richmond, Southampton, St. Albans, Salts, Somerset.

Earls.—Of Derby, Leinster, Albemarle, Manchester, Essex, Peterborough, Stamford, Sunderland, Essex, Devonshire, Radnor, Berkeley, Rutland, Torrington, Scarborough, Bradford, Ramsey, Oxford.

Viscounts.—Boy and Seal, Trenchard.

Barnes.—Montagu, Forres, Wharton, Fagan, Howard of Escrick, and Gray of Work, Lovelace, Maken, Vaughan, Calpeper, Lucas, Rockingham, Berkeley, Cornwallis, Ossington, Strickland, Harrington, Somers, Halifax.

Bishops.—Of Canterbury, Worcester, Salisbury, Ely, Litchfield, Norwich, Peterborough, Lincoln, Chichester, Oxford, Bangor.

Protest.—Bedford, Carleton, Earl Marshal, Duncroft, Buckingham, Montagu, Cowwry, Fitzwater, Barr, Wiloughby of Parham, Bishop of Merchesfield, Bishop of Gloucester, Bishop of Bristol. In all seventy more.

The question being carried for rejecting the Bill, the following peers carried that dissent: Godolphin, Rochester, Buckingham, La Ware, Timor, Northampton, Marlborough, Winchester, Nottingham, Abingdon, Longueville, Weymouth, Galloway, Grenville, Curwry, Weston, Curwry, Cornwallis, Somers, St. Albans, G. St. Asaph, The Duke, N. Curwry.

Supplies granted.] Notwithstanding these differences, the Commons voted 10,000 men to act in conjunction with the Allies, 10,000 expeditionary troops for the next year's service, 1704, and 7,000 horse, and 1,000 horse and dragoons for Portugal: And that 1,500,000^l be granted for these forces, guards and garrisons, and payments to the allies. Two days after, they voted 40,000 men, including 8,000 marines, for the next spring, 1704. The Secretary Hedges acquainted the house, the 25th, that her majesty had been pleased to give this answer to their address about supplying all correspondents with Protest: "That she thought the continuance of the stop of all post letters, trade, and all other correspondence with the enemies, so necessary for the public good, that she would forthwith give orders her majesty is the House, to issue upon it with the Stamp Office, so the Commons demand." The next day the house voted

an Address to her majesty, assuring her, they would provide for the making good such allowances as her majesty had made, or should make, with the date of Supply.

Fair account by the Great Council.] Several years of war having been lost in the great storm which happened about this time, they unanimously resolved, "That an Address be presented to her majesty, expressing the great loss the house had of the military force upon the kingdom by the late violent storm, and that they could not see any disadvantage of her majesty's navy, without making provision to repair the same: Wherefore they besought her majesty, that she would immediately give directions for repairing the loss, and for building such capital ships as her majesty should think fit, and to secure her majesty, that as soon as meeting the House could directly make good that expense, and would give assistance in raising the supplies already voted, for making good her majesty's losses with the King of Portugal, and all her majesty's other allies, and would consider of affected ways for procuring of trade, for managing her majesty's navy royal, and for encouraging the seamen."

The Queen's Speech respecting the Great Fleet.] Dec. 17. The queen came to the house of peers, and having passed the Land Tax bill, made the following speech to both Houses:

"My lords and gentlemen: I thank it proper, upon this occasion, to acquaint you, that I have had unquestionable information of very ill practices and druggs, carried on in Scotland."

"About the end of November the weather grew very bad, and broke out, on the 17th, in the most violent storm, such by us and land, that had ever been known in the memory of man. The city of London was in shambles with it, that people were generally afraid of being buried in the ruins of their houses, some of which fell and crushed their masters to death. Great hurt was done in the southern parts of England, little happening in the north, where the storm was not so violent. The best part of our navy was then at sea, which lived all people with great apprehensions of an irreparable loss. And indeed, if the storm had not been at its height at full sail and in a spring tide, the loss might have proved fatal to the nation. It was so considerable, that fourteen or fifteen men of war were cast away, in which 1,300 men perished. Few merchant men were lost; such as were driven to sea were all, some few only were saved. Our squadron, which was then in the Minch, suffered no loss, and the ships were soon refitted, and ready to sail. The parliament being then sitting, the Commons, on their annual petition, presented an address to the queen, &c."

"The unreasonable severity about the loss of the ill druggs of the Jacobites and French ministers in Scotland, justified the last Bill."

by numerous Scots Priests: which might have proved extremely dangerous to the peace of these Kingdoms, as you will see by the particu-

lar's telling more, is his speech against the Occasional Conformity Bill, of the distinguished state of that Kingdom. The court of St. Germain's procuring the discovery in Scotland, and the great opposition made to the bill, as the parliament at that Kingdom, had been discovered by one of their agents there at work, in order to engage both the court of the nobility, and the several tribes in the Highlands, to be ready to appear in arms. James Erskine of Rosneath, lord Justice, had gone through the Highlands the year before, and went thence west to France, where he pretended, that he had authority from the Highlanders to undertake to bring together a body of 10,000 men, if they might be assisted by some force, together with officers, arms, ammunition, and money, from France. After he had delivered this message to the queen at St. Germain's, she recommended him to the French ministers, of whom he had some audience. He proposed, that 5,000 men should be sent from Dunkirk, to land near Dundee, with arms for 10,000 men; and that 500 should be sent from Brest, to come on foot to Warran, which commanded the great passes into the Highlands. The French listened to all this, but would not venture much upon slight grounds, and therefore sent him back, with some officers, to whom they confided more, to see how much they might depend on, and what the strength of the Highlanders was. They were also ordered to try, whether any of the great nobility of that Kingdom would engage in the design. When these came over, Fraser got himself immediately introduced to the duke of Queensberry, to whom he discovered all that had been already transacted; and undertook to discover the whole correspondence between St. Germain's and the Jacobites. He caused also many of the lords, who opposed the duke's cause in parliament, and said, that they were already deeply engaged. The duke bestowed very willingly to all this, and gave him a pass to go through the Highlands again, where he found some were still very forward, but others were more reserved. At his return, he resolved to go back to France, and promised to make a more sure discovery. He put one letter into the duke of Queensberry's hands, from the queen at St. Germain's, directed on the back, but by another hand, to the marquess of Athol. The letter was writ in such general terms, that it might have been directed to any of the great nobility; and probably he, who was trusted with it, had power given him to direct it to any, to whom he found it would be most acceptable; for there was nothing in the letter, that was particular to any one person or family; it only mentioned the promises and assurances to be by that lord. This Fraser had been assured of a rape, committed on a sister of the marquess of Athol's, for which he was executed and declared;—in this it might

be supposed, that he, to be revenged on the marquess, who prosecuted him for that crime, might put his name on the back of the letter. It is certain, that the others, who were acquainted with this story, and were not even with me, avoided his company, so that he was not made acquainted with that proceeding. He came up to London in winter, and had some meetings with the pretence Jacobites about the town, to whom he delivered his message again. He continued still to persuade the duke of Queensberry of his fidelity to him. His name was not told the queen; for, when she did write to him an account of the discovery, he added, that, unless she commanded it, he had promised not to come the person, for he was to go back to St. Germain's to complete the discovery. The queen did not ask him more, but had more regard to what he said, because, in the main, it agreed with the intelligence, that her ministers had from their spies at Paris. The duke of Queensberry procured a pass for him to go to Holland, but by another name, for he appeared as part of this matter to the earl of Nottingham, who gave the pass. The Jacobites in London suspected Fraser's correspondence with the duke of Queensberry, and gave advertisement to the marquess of Athol, and by that means the whole matter broke out. About this time Sir John Mordaunt, a paper, and head of that tribe or clan in the Highlands, and western side of Scotland, came over from France in a little boat, and landed secretly at Pebbles in Kent. He brought his lady with him, though she had been delivered of a child but eleven days before. He was taken, and sent up to London; and it seemed, by all circumstances, that he came over upon some important design. He pretended, at first, that he came only to go through England into Scotland, to take the benefit of the queen's general pardon there. But, when he was told, that the pardon in Scotland was not a good warrant to come into England, and that it was high treason to come from France without a pass, he was not willing to expose himself to the severity of the law, and was prevailed upon to give an account of all that he knew concerning the negotiations between France and Scotland. Some others were at the same time taken up upon his information, and sent upon suspicion. Amongst these there was one Keith, whose service was trusted by the court of St. Germain's, and whom they had sent over with Fraser, to bring them an account of the temper the Scots were in, upon which they might depend. Keith had been long at that court; he had first served back to that queen and the pretended prince of Wales, and hoped they would have made him under secretary for Scotland. For some time he denied, that he knew any thing; but afterwards he confessed, that he was made acquainted with Fraser's intelligence, and that he did not

and prophecies. In the mean time, I make no doubt but, by this reasonable curiosity, I shall be able to give such directions for our security, as will effectually prevent any of consequences

high he made, to come and discover all he knew, and pretended there was no other design among them, but in five matters, viz, that the queen's of France should reign after the queen. Ferguson offered himself to make great discoveries; he said, that Fraser was employed by the duke of Marlborough, to draw some into a plot, which he had framed and intended to discover, as soon as he had drawn many into the snare. He asserted, that there was no plot among the Jacobites, who were glad to see one of them out of the secrets upon the throne, and they thought, when the state of the war might dispose the queen to a treaty with France, to get such terms given her, as King Stephen and King Henry 4, had no says during her life. When bishop Burnet heard this, he recalled what the marquis of Athol had said to him soon after the queen's entrance to the crown; when, upon the bishop's saying, That he hoped never to behold thoughts of the present Wars, the marquis answered, He knew of none that thought of him, as long as the queen lived. The bishop replied, That, if any thought of him after that, he was sure the queen would live no longer, than till they thought these designs for him were well laid. But the marquis seemed to have no apprehensions of that. The bishop immediately told the queen this, without naming the parties, and also convinced her very quick. There was no doubt of that. But, though the bishop could not but reflect often on that discovery, yet, were it wanted to him in confidence, he never spoke of it to any one person, doing all the enquiry that was now on foot. Ferguson, ever since he had left the place which had been given him at the Revolution, had been the boldest and most active man of the Jacobite party. He pretended, that he was now for the Church, but many believed him a Papist. There was matter of treason upon both against him and Keith, but there was only one witness to it.—At the same time Leithly was taken up, who had been under-secretary, first to the earl of Melfort, and then to the earl of Haddinton. He had returned over from France the letters and orders, that gave rise to the earl of Dundee's breaking out the year after the Revolution; and he had been much treated as Dr. German's. He had a small estate in Scotland, and he pretended, that he took the benefit of the queen's pardon, and had gone to Scotland to save his estate; and, being secured by this pardon, he thought he might come from Scotland into England; but he could pretend no colour for his coming to England; and, therefore, it was not doubted, but that he came hither to manage their correspondence and correspondence. He pretended, that he knew of nothing against the queen and her government, and that the papers of Dr. German's, and the earl of Haddinton in partic-

ular, had no design against her. But, when he was showed Fraser's commitment to be a contract, signed by the pretended king, and counter-signed Haddinton, he seemed amazed at it. He did not pretend it was a forgery, but he said, that things of that kind were never communicated to him—At the same time that these were taken up, others were seized on the coast of France. One of these, Bouche, was a chief officer in the duke of Berwick's family, who was then going to Spain; but it was suspected, that this was a blind to cover his going to Scotland.—During the height of the debate about the bill against Occasional Conformity, the earl of Scarborough produced a letter from his brother, acquainting him, that several suspected persons, relations to the duke of Berwick, were come over and seized. Upon the earl of Nottingham, secretary of state, told the House, "That this matter was directly contrary the queen, and would, in few days, be laid before both Houses." Marcellus, the secretary of lords, either out of zeal for the safety of the queen's person and government, or because they did not think it prudent to leave the enquiry into so important an affair in the hands of a person, whose affection to the Revolution Settlement had been questioned, resolved to appoint a committee of seven of their own members to examine into it, and ordered, that Mr John Mordaunt be brought in there to-morrow next day. The Lord Mordaunt, having on that day, acquainted the house, by his attorney's command, "That the committee were relating to Mr John Mordaunt, was a copy of that treaty and great importance, that she thought it would be no advantage to tell it out of the mouth of a commoner &c &c" now is, and that her majesty would, in short time, communicate it to the House. These lordships acquiesced, and returned in lords, with the whole senate, to attend the queen, so that it was that Mr John Mordaunt might be committed to such care exactly, that a person be permitted to speak to her without her leave, and that he neither write nor receive any letters or papers from any person, without the like permission from her majesty. Which was complied with." To be

The Second Address of the Commons] Dec. 10. Mr. St. John reported, from the commons, what it was referred to draw up an Address upon the Resolutions of yesterday, and that they had drawn up an Address wanting 71, which they had desired him to report to the Lords, which he read in his place, and afterwards delivered it at the table, where the commons read, and agreed thereto by the commons, as follows.

"Most gracious sovereigns;

"We your majesty's most devoted and loyal subjects, the Commons of England, in parliament assembled, beg leave humbly to lay before your majesty our great and just concerns and desires, as we are very sensible of your royal prerogative—Your faithful Commons believe the administration of the government best secured, when it is left to your majesty, with whom the law has entrusted it; and have no free dependence upon your majesty's affection to your people, and your great wisdom, that they can in any apprehend to be in danger from any conspiracy, as when the administration thereof is under your majesty's direction.—We are therefore surprised to find, that when several persons, suspected of unreasonable pretensions against your majesty, were taken into custody by your majesty's officers, in order to be examined, the Lords, in violation of the known laws of the land, have wanted them out of your majesty's hands, and without your majesty's leave do knowledge, in a most extraordinary manner, when the true names of these solely to themselves; whereby a due respect and the end of the law and the rights of your majesty's person and prerogative, may in a great measure be obstructed.—Your loyal Commons do therefore most earnestly desire your majesty, to suffer no disturbance of their prerogative, which, during your majesty's reign, they are entitled to, always to be used for the good of your people—And we humbly beg leave to assure your majesty, that as we are resolved, by law and a sacred appeal, to enable your majesty to carry on the war, which you have so gloriously begun, so we will, in the utmost of our power, support your majesty in the exercise of your just prerogative at home, and the carrying it against all enemies abroad."

The Queen's Answer] January 3, 1704. To the Address the queen answered.

"Considered; I have had the satisfaction to find, that the matter which may have occasioned this address, is now at an end.—I return you many thanks for the concern you express for my prerogative, and for your reported aversion of making the supplies effectual, which will be greatly for the honour and advantage of the kingdom.—I shall be careful not to give way to any remission of the prerogative of the crown, or of the rights and liberties of the people."

The Lords declare their Right to examine

Persons, and order them into Custody, and that the Address of the Commons is unparliamentary, &c.] Jan. 14. The Lords sent to the following Resolutions.

"1. It is resolved and declared, by the Lords spiritual and temporal in parliament assembled, that, by the known laws and customs of parliament, the House hath an undoubted right to order persons, as to be examined, to be taken into the custody of her majesty's secret officers attending this house, during such examination; or to commit them to any other safe custody that they shall think proper; and to remove others, if they see cause, from having access, or communication with them."

"2. It is resolved and declared, by the Lords spiritual and temporal in parliament assembled, that the Address of the House of Commons, presented to her majesty the 22d of December last, is unparliamentary, gross, and without precedent, and highly injurious to the House of Peers, tending to interrupt a good correspondence between the two houses, and to create an ill opinion in her majesty of the House, and of dangerous consequences to the liberties of the people, the privilege of parliament, and constitution of the kingdom."

Representation of the Lords to the Queen, concerning the Address of the Commons complaining of the Lords examining, &c.] Jan. 18. Upon the last Address of the Commons, the Lords drew up the following Representation.

"May it please your most excellent ma-

"The Address of the Commons against the Lords was a proceeding without a precedent. The parliamentary method was, when one House was offended with any thing done in the other, resolutions were demanded, in which matters were freely debated. But a breach of appeal to the throne was now, and might be managed by an addressing petition, as to be used in the intervention of the whole parliament. And it was so meeting that, in the House of Commons affairs, it is to give a manner, and in particular, that the Lords taking criminals into their own custody, in order to an examination, was without manner or precedent, when there was an injury committed in every man's memory, especially when the case of the Popish plot, of perjury in both Houses, that went much farther, of which a full march had been made, and a long time then read in the house of Lords. That not a brief confused story among them, they were believed to be in a secret correspondence with the House of Commons; they were known to confess, that they saw the Lords had no precedent to justify them in what they done, of which they were in great doubt. It seemed surprising to us, that the Commons, whose proper province it is to take care of the liberties of the subject, should disagree with without assistance of the royal prerogative, in opposition to the house of Lords."

ings: We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, find ourselves under an unhappy necessity of making this our humble application to the throne, upon occasion of an Address presented to your majesty, by the House of Commons, the 22d day of November last, and since that time published in the whole nation's report; by which the House of Lords is charged with the violence of your royal prerogative, and of the known laws of the land; with various persons suspected of unreasonable pretences, and taken into custody by messengers, out of your majesty's bench without your leave or knowledge, and in a most extraordinary manner taking the examination of them solely to themselves; whereby a due enquiry into the evil pretences and designs against your majesty's person and government, might in great measure be obstructed. And they conclude their Address, by most earnestly desiring your majesty to suffer no discussion of your prerogative, and promise to support you in the asserting it against all intrusions whatsoever. It is not possible for us to remain silent under the heavy charge, so unjustly, and without the least ground or colour, imputed to be fixed upon the whole body of the peers; which tending directly to create an ill opinion of us in your majesty, puts in number an inevitable necessity, of conducting both the highly and dutiful manner of our proceeding.

"The expression in the Address of the who are the natural defenders of it. But this was entirely owing to a party-paper; the Tories, or High-Church-party, who were the strongest in the House of Commons, laying hold of all opportunities, both to ingratiate themselves with the queen, and to oppose the Whigs, who had the majority in the House of Lords. Besides, the Tories received no small encouragement from some persons in high stations, who were ready enough to countenance those who endeavoured to wrile the Scots conspiracy, which made the Whig Lords the more eager to maintain ours.—The House of Lords highly resented the reflective cast upon them by the Commons in this Address; and therefore, to vindicate their honour, and assert their privileges, they declared, "That, by the known laws and customs of parliament, they had an undoubted right, whenever they conceive it to be for the safety of her majesty and the kingdom, to take examinations of persons charged with criminal matters, whether they be in custody or not; and to order, that persons so be detained be taken into custody by her majesty's sworn officers attending their house." And four days after, they resolved, "That the Address of the Commons is unparliamentary, groundless, without precedent, and highly injurious to the House of Peers, tending to interrupt the good correspondence between the two Houses, and create an ill opinion in her majesty of the House of Peers, and of the justice administered to the liberties of the people, the con-

House of Commons are so very harsh and indecent, that we may truly affirm the like words never used at the House of Peers, in any age, nor even by that assembly, which, under the name of the House of Commons, took upon them not only to attack the House of Lords, but to destroy the monarchy. We shall carefully avoid making returns of that kind—we consider too much what we owe to monarchy and we know too well the profound respect due to your royal person, to let any provocations trespass on us, or to use words, unfit to be uttered by us to our sovereigns.

"The matter of this Address is so important to us that the queen. There was not the least occasion for a just objection to any part of our conduct in that business to which the Address relates, the proceeding was entirely justifiable by the known laws and customs of parliament; it was carried on with the utmost regard to your majesty, and with care and for the safety of your person and government; all that was done was agreed to by the concurrent opinion of the House, without the least objection from any of our members, who have the honour of serving your majesty in your great allotted employments.

"We humbly represent to your majesty, that, by the known laws and customs of parliament, the House of Peers has an undoubted right, in cases where they conceive it to be for the good and safety of your majesty and the Kingdom, to take examinations of persons

charged with the safety of the kingdom, and privileges of parliament." This done, they presented, the next day, a Representation to the queen, in which they complained of the ill usage they had met with from the House of Commons; they read some of those hard words, that were in the Address made against them by the House of Commons, yet they justified every step they had taken, as founded on the law and practice of parliament, and as a way necessary to the duty and respect they owed to the queen. The behaviour of the Commons was such, on this occasion, as if they had no mind that place should be narrowly looked into. No house of parliament, and indeed no court of judicature, did examine any persons, without taking from them their own oaths during such examination; and, if a person's being in custody must restrain an house of parliament from examining him, here was a reason laid down, by which had examination might cover themselves from an enquiry into their ill government, only by taking the persons, who could make discoveries, into custody. The Lords also set forth the ill consequences that might follow upon one house of parliament carrying their complaints of another to the throne, without taking the proper method of conference. This representation was drawn with the greatest force, as well as beauty and decency of style, and was reckoned one of the best pieces of that kind, that were in all the records of parliament." Tindal.

charged with unusual matters, whether such persons be chosen actively or not, and also to order the persons so to be examined, to be taken into custody at your Majesty's courts officers attending the House, during such examination, or to commit them to any other safe custody that they shall think proper; and to remove thence if they are found to be unworthy to sit, or conversant with them—the House of Lords has ever done this right from time to time, as a measure have required, without objection. Our words were filled with general demands which were at our leave to come before it, and we proceed to return to some of them, that the drawing this right into question at any time, must not but be dangerous to the quietude to the tranquillity of the people, and to the conservation of the government, as tending to wound, or render unstable the most effectual the measures of public security, and are so absolutely necessary, especially when many and great persons are accused, and gross designs against the government, and where illuminations show that our words do the oppression to the safety of the people. Your Majesty's wisdom and goodness—will be shown in present against all influences of that kind, and we necessarily and heartily pray we may long enjoy the blessing of your right. But if it happens in future times, that others should give you great a degree of labour with our process; how easy will it be for them to stir or defeat all parliamentary inquiries and their orders; for if the being in prison, or in the hands of a stranger, will prevent one from being examined in the House of Lords, or from being put into the custody of the proper officers of the House during the examination, and deferred from examining with others, it will certainly be always in the power of favourites to cause those who are for witnesses against them, as well as the accomplices of their designs, to be taken into custody. And if persons in custody are not at the reach of the House of Lords, who are the necessary representatives of the crown, and in whose judicial power—bolstered by the constitution, it is not to be imagined that the Commons can pretend to a greater power of examining, committing, or releasing them.

"55. Hence all concerns till now has given countenance to the dangerous opinion, which does so directly tend to the subversion of the constitution and the dissolution of parliament, and we are persuaded the House of Commons will not sit with such a system, because does we not we actually to part with a power the have assumed; and it is certain, that they have several times taken upon them to exercise an authority like that which they have so severely reflected on in their Address.

"The consideration gave us the power notwithstanding, to find our proceeding repugnant to the ancient forms of ancient government of your Majesty's House, and being the essential life of their safety so manifest. We take the ordering persons to be exam-

ined in that high court, where your Majesty is always present in consideration of law, and on that great council where you may be present in your royal person, whether as you please, will never be thought an exclusion of your Majesty from the examination, if that was intended to be executed by us; say, we had taken the extraordinary policy to examine the persons had been at your Majesty's court, and your House, and most manifestly, with the perpetual right of the House of Peers, which we are in thought, is the most of your Majesty's order, is the prejudicial to the jurisdiction of the House, and which is a very common fault to commit the Commons always making, during the time of your Majesty's visit, and we are afraid some, who usually have been taking notice even a short notice on the particular number of fact relating to these persons, and that they, but when this is put in practice, it is a very great wrong, it will be supposed, if it is not, and it is a very very important to your subjects.

"On the 10th of the 10th of December, the House of Lords was returned, this several persons had been seized by the customs house officers in the street of St. James as they came from the Court that amongst them it was known to be him, who was capable of making considerable discourses, having been in some of the French Courts for many years, and purchased one of the houses, and did the camp in the last day in Warwick, who stands amongst of high treason, and who had been several times in prison since before; that it was probable, it is very easily contained, I might be brought to confess, since he saw his life in apparent danger; but that he was a bold man and being so strange to escape on that very account, if he was not carefully looked upon, and the House was also told, that there was great reason to both in the taking, searching and looking to such persons, which did afterwards appear very evidently in the circumstances that were taken. Upon this information the end of Nottingham, your Majesty's principal secretary of state, suggested he knew that he had not heard of Bowcher's name particularly, but had seen newspapers in long and Ogby, and the other persons who had been arrested by the customs house about 10 years, and that he had not the newspaper would do their duty, but he would not be answerable for them.

"After this account of the prisoners, and of what had been done in order to secure them, the House thought themselves obliged in duty to your Majesty, and for the public safety, to take into the kingdom transported in almost war with France, and that there are 600 persons in apprehended the dangerous practice of French customs, to make an honest addition to your Majesty, that particular might be taken in continuing the period of Bowcher, and of some other persons taken off duty, and that some might be suffered to speak to them till they were examined.

the House conceived they had a reasonable ground to object against the proceedings of the other, notwithstanding have been desired, and the matter in debate between a chosen body of members, and thereby, mistakes being by, I observed for the most part, and a good understanding obtained, and a mutual respect preserved, which is always highly requisite, in the nature of such institutions, but more especially necessary in a time of war and danger.

"Had the House of Commons thought fit to have pursued the method upon this occasion, we should have been able to have given them every satisfaction, not only of the lawfulness of all we had done, but in the just and weighty grounds upon which we took the administration of those persons into our own hands: or at least, if they could have convinced us of any mistake, we should have given them any reasonable satisfaction.

"But, without making any such previous step, the House of Commons have made an appeal directly to the sword, against the House of Lords, and charged them, though most unjustly, with attempts of the highest nature. Nothing like this was ever done before, and out of our hearty concern for the preservation of our happy constitution, we hope the same thing will never be done again. We know your royal house is unanimously fixed on the preserving the liberties of your people, and transmitting them entire to posterity, but if, in other times, the houses of parliament should be depending against one another in the crown, (for, if such a course be pursued in the House of Commons, the same method may be taken by the Lords) at your majesty it now remains how great difficulties it necessarily brings upon a good prince, so it is easy to foresee (and we cannot think of it without horror) how fatal the consequences may be, in the case of an ill-designing prince, and what advantages may be taken from it, for surely subverting the best ordered form of government in the world. There are examples abroad, where proceedings of this kind have ended in the overthrow of the liberties of the people, which makes us the more apprehend the bitterness of them among ourselves. Your majesty's great judgment cannot but readily discern, whether it does essentially tend, for one House of parliament to be starting, and violently drawing the strings to start a real or supposed prerogative against the other House. It is not easy to imagine what the Commons could expect of your majesty from such an application: the Lords have never entertained a thought of using this dangerous method, whatever reasons may have been given under the colour of his oath; and we promise your majesty, we will always endeavour to preserve a good understanding with the House of Commons, and shall never think it too dear to procure that union at any rate, unless that of delivering up those rights and powers which are lodged in us by the law, and without which, the constitution cannot subsist.

"We shall never be guilty of the presumption of presuming in your majesty, when, or against whom you should exert your prerogative, but we will be always ready to assist you in the support of all the just rights of the crown, as well as in the maintaining the liberties of the subject, which we know are as dear to your majesty.

"It may, with modesty and truth, be affirmed that the Lords have, in all times, been the wisest and most natural bulwark of the prerogative of the crown, they being (as your most grandfather, of most blessed memory, was pleased to express it) an excellent screen and back between the prince and the people, to stand each against any encroachment of the other.

"We will ever contribute, by any act of ours, to the destruction of the rights of the crown, not, as far as we are able, will suffer it to others. We cannot act otherwise without betraying ourselves in the highest degree, being thoroughly convinced, that the preservation of the legal prerogative is not only the safest way to secure our own privileges, but of absolute necessity for the happy and rightful administration of the government. And we hope the House of Commons will, in all times to come, speak and act with that regard to the prerogative which they seem to have taken up lately.

"There remains one particular more, which we will only state to your majesty, because we rest satisfied it cannot have weight any where; that is, the introduction of the Address, on the examination of those persons, by the Lords, was in order to obstruct the enquiry into the designs against your majesty's person and government; or at least, that it was likely to produce such an effect. Guards placed in your majesty's government, and our warm resolutions to discover all designs and approve of proceedings against it, are too well known to the world, that any suggestion of that sort should make the least impression in our minds; and we are very sure it was no surprise of that nature which gave the rise to this very sharp Address. It is easy to determine, whether it tends to forward understanding in which case the designs of your enemies, or the willing occasion to object to, and interrupt such understandings, be most likely to obstruct the discovery of the pernicious practices of traitors.

"Most precious advantage, we most heartily wish yours for pressing to give your majesty the trouble of this long representation, which has proceeded from the passionate concern we have to stand, not only acquired, but entirely approved in the judgment of an excellent system, and so justly beloved of all her subjects.

"We depend upon your justice, as well as your goodness, that nothing can do us prejudice, from whatsoever hands it comes; in your royal commands, while we conjure to act in that Order where we are placed by the form of the English government, according to the law.

and reasons of parliament, with all imaginable respect and duty to yourself, and all possible zeal for the safety and happiness of your kingdom.

"*Thus he went to conclude this his humble Address with this firm promise, that no danger, no approach, nor any mischief whatsoever, shall draw or divert us from using our utmost endeavours, from time to time, to discourage and opposing all conspiracies and attempts against your royal person and government, and the Parliament assembled as by law established.*"

[*The Queen's Answer.*] Her majesty's Answer to the Representatives was.

"My Lords, I was very sorry for any misundestandings that happen between the two Houses of parliament, which are representatives for the public we are, and so sorry in me, that I cannot but take notice, with satisfaction, with assurances you give me, that you will surely be careful of us as we of them—I thank you for the manner you express for the rights in the crown, and for my prerogative, which I shall never start so willingly as for the good of my subjects, and the protection of their liberties."

The Common Address, in answer to the Representatives of the Lords [Jan. 22] The Commons read, that name of those members by appeared to search the Journals of the House of Lords, touching their proceedings upon the last Address of this House to her majesty, and their Representations thereupon: and also to search proceedings concerning commitments by the House of Lords, in cases where the power is given in the course of the crown, and report the same to the House: and several members were appointed accordingly.

Feb. 8. The next Report of the Journals of the House of Lords, relating to the Address of this House, and the Representations of the House of Commons, was read.

Resolved, That an humble Address be presented to her majesty, in clear and happy from the misrepresentation of the House of Lords, in their Representations presented to her majesty, which said Address was conceived in the following terms.

"We your sovereign, your majesty living with your goodness, delivered from the Tyranny to your parliament, that doors disagreeing, and dangers had been carried on in Scotland, by measures from France, which might have proved extremely dangerous to the peace of these Kingdoms, and that you would by the petition before your parliament, as soon as the several circumstances could be fully perfected, be made public, without prejudice; we, your majesty's most dutiful and loyal Commons, do hereby and speak in your majesty's presence and done, most thankfully acknowledge the assistance you have been pleased to afford us in—But taking upon the Lords' Journals, that their lordships, the very same day, made you address, not to remove your majesty's residence out of your own

only into their own, and the other to remove their residence wholly to a committee of seven Lords, chosen and appointed by themselves; by which your majesty seemed excluded from any power over our said persons—Your loyal Commons, justly sensible of the dangerous consequences of such proceedings, thought themselves obliged to declare their contents in the violation of your royal prerogative, and the known laws of the land, in his humble Address presented to your majesty—Your faithful Commons are well assured, that the matter comes to be rightly stated and understood, and as well intended, and as well grounded, will rather be ascribed to their own reason, than liable to exception: and therefore, since their humble Address has been so artfully misrepresented by the Lords in their late Representations, presented to your majesty on Tuesday, the 21th of January, and published and spread with several industry through all parts of the kingdom, that look upon themselves under an indispensable necessity of appearing before your majesty in their own justification.—Their lordships think it to take offence at the manner and words of our Address, and accordingly, their proceedings with reflection and several times, more harsh and more odious than the more agreeable language; but, as we made use of no terms but what were suitable to the occasion, so it will appear by proceedings, that the same have been distinguished and respectively used by both Houses to each other, nor could the Commons, in respect to your majesty, assert your royal prerogative, in words of less force than those in which they have vindicated their own privileges.—Whether or no persons are used for your majesty, and the public, might have required, we could never have offered to our sovereign an imprudent responsibility as the destruction of the monarchy, in a detestable council, composed of members of both Houses, who being all too pure there in the plot, ought equally to share the approach.—With much more reason might we charge, both on behalf of your majesty and the Commons, that their lordships, not contented with performing their own commitments to you, but continued with, including your majesty, and the Commons, in what parliamentary requires most properly belong, do appropriate to their House only, even in their application to their sovereign, the name of a parliament, an instance not to be paralleled, unless by that very assembly that celebrated the monarchy.—It is not the question at present, as stated by the Lords, whether their lordships have a power of taking into custody, while under examination, persons accused of criminal matters, cognizable in parliament: but, that their lordships have a right to take the prisoners of the crown, and the examination of them, wholly into their own hands, without your majesty's consent, and in such a manner as most incessantly prove an exclusion to your majesty, and this house, in the proposition your Commons deny, and for

the Commons, that as humble Address be presented to her majesty, that she w^{ld} be pleased to re-assume the just exercise of her prerogative, and take to herself the examination of the petition relating to the Conspiracy, commended to this house by her majesty, and to give sentence, that they w^{ld} defend her majesty's honored person and government, against all persons concerned in the said Conspiracy, and all other conspiracies whatsoever, and to declare, that the establishing of a Committee of seven Lords, for the examination of the said Conspiracy, is of dangerous consequence, and may tend to the subversion of the government."

Resolved, "That the said Resolution be presented to her majesty by the whole House; which was done accordingly, and her majesty was pleased to return the following answer:

"Gentlemen! The great matter of trust and confidence, which you have given me in this Address, are so acceptable to me—I thank you for your advice, and shall constantly assert my just prerogative for the safety and satisfaction of my subjects."

Further Proceedings respecting the Scottish Plot.] About the end of January, the earl of Nottingham acquainted the House of Lords, "That the queen commended him to lay before them the papers, which contained all the materials hitherto discovered of the conspiracy in Scotland; but that there was one thing, which he was also commended to let their lordships know, was not yet proper to be communicated to this house, because the making of public might prevent a still more discovery of matters of greater importance; but that their lordships should be requested with this also, to wait a while longer, without prejudice to the public safety." Upon this the Lords ordered to Address her majesty, "That the whole matter, and all papers relating to the Scots plot, might be laid before them with all convenient dispatch, that this House might not want an opportunity, before the end of the session, of enquiring into, and discovering the wicked designs and conspiracies of her majesty." To this Address the queen answered, "That having so fully acquiesced in, that she had communicated to this all the particulars relating to the design against the person of her majesty, she could not be made public without prejudice to the future service of her majesty, which ought to be carried up to this matter, before it was wholly possible, that the state of it could be altered; and that her majesty made no doubt, but that before the end of the session, there would be a proper time to communicate that which could not now be made public without great prejudice." Two days after, the earl of Nottingham delivered to the Lords several papers relating to the Scots Conspiracy, which being read up to the House were, it was ordered, that all the papers should be opened on Tuesday the 28th of February, and all the Lords continued to attend.

By this time, all possible precautions had

been used to secure the Plot, and so prepared the Queen and the public, that the whole was a continuance of the duke of Queensberry, in order to ruin the dukes of Hamilton and Argyll. The duke of Argyll drew up a plausible narrative on this purpose, which he read in the House, in the presence of the Queen; by this narrative it manifestly appeared, that the duke of Argyll, though one of the principal persons suspected, had rather the personal information from the Secretary of State, of the contents of the letters, declarations and communications relating to the Scots conspiracy, before they were communicated to the House of Lords; a surprising circumstance, that did not seem very much constrained, than the attestation, which it was no difficult matter for them to put the spot on the plot. There were two other circumstances which seemed to reflect on the earl of Nottingham; his giving out to the information of the House, when the suspected persons made use of, to clear them of the treason they were in danger of being charged with; and his changing an officer in King James's army, who had been seized by the governor of Berwick.

This being concluded after the House of Commons, a long debate ensued, which ended at last in a resolve, "That the earl of Nottingham, one of her majesty's principal secretaries of state, for his great ability and integrity in the execution of his office, for his unexpressed fidelity to the queen and his government, and for his ready adhering to the church of England, as by law established, had highly merited the trust her majesty had reposed in him." The Commons, at the same time, ordered, that the Speaker should lay this Resolution before her majesty, when the said Address should be presented to her. Which being done accordingly, the queen was pleased to say, "That she was glad to find they were well satisfied with the earl of Nottingham, who was trusted by her so considerably a post."

In another state of the process being the next day the House of Commons, they heard them read, but passed no judgment upon them, so did they offer any advice to the queen upon the occasion, they only sent them back to the queen, with thanks for communicating them, and for her wisdom and care of the nation. It was thought strange, to see a business of the nature treated so slightly, by a body that had looked, in former times, more carefully to their own kind; especially, since it had appeared on us, as it were, how destructive the French were in raising dissensions in their nearest country. It was evident, that a negotiation w^{ld} be on, and had been now carried on for some time, for an army that was to be sent into France to Scotland; upon this, which was the issue of the design, it was very manifest, that the Commons neither advised the queen any advice, nor gave her a vote of credit, for extraordinary expense, in which the progress that matter might engage her; a circumstance, which had a great effect, in deterring the design, when it appeared that

and the queen was furnished to assist it. The commons, in the House of Commons, gave great aid, and great ground of suspicion, that those who had the chief credit there, did not act honestly, in order to the differing all such plots, but were willing to let them go on, without check or opposition. But the Lords, on the day appointed, resolved to take the plot into consideration, and examine the whole matter fully. They began with reading the papers I set before them, the most material of which was drawn up by the earl of Nottingham, entitled, "An Account of the Conspiracy in Scotland." It was an abstract of all the examinations the council had taken. Some took great exceptions at it, and drew up designs to make the affair appear more considerable than they believed it to be. The substance of the whole was, that there was every message between the court of St. Germain's and Versailles, with relation to the affairs of Scotland; the court of Versailles was willing to send an army to Scotland, but they desired to be well assured of the assistance they might expect there, in order to which, some were sent over, according to what France had told the duke of Gloucester; none of the papers were sent in plaintext, to the Lords' view, but a request should be offered, to any who should decipher them. When the Lords asked the earl of Nottingham, if every thing was laid before him, he answered, that there was only one particular kept from them, because they were in hopes of a discovery, that was like to be of more consequence than all the rest. So, after the delay of a few days, to see the issue of it, which was Earl's endeavour to persuade his uncle (who knew every step that had been made in the whole progress of this affair) to come in and discover it, when they were told there was no more hope of that, the Lords ordered the committee, which had examined Bowker, to examine into all these discoveries. Upon that the Commons, who represented a great assistance at every step the Lords made in this matter, went with a new Address to the queen, complaining on their former complaints, against the proceedings in the Lords, in a violating the manner out of the queen's lands, and the taking it wholly into their own, and they prayed the queen to reverse her prerogative, thus violated by the Lords, whose proceedings they affirmed to be without a precedent.

The seven Lords went on with their examinations, and, after some days, they made a report in the House: Marleau's confession was the main thing; it was full and particular; he named the persons that were in the council at St. Germain's, he said, the command was offered to the duke of Berwick, which he declined to accept, all trial was made whether Duke Hamilton would accept of it, who, he thought, was the proper person; he told likewise, what designs he had been used to hinder the setting on foot of in Scotland; some of which particulars were in the paper, that the earl of Nottingham had brought to the House of his confession. It was further observed, that all the

rest, whose examinations amounted to little, were obliged to write their own confessions, or, at least, to sign them. But Marleau had not done this—yet, after he had delivered his own from the earl of North's mouth to the earl of Nottingham, that had raised it all from his report, and read it to him the next day, upon which he acknowledged, it contained a full account of all he had said. Marleau's discovery to the Lords was a clear series of all the councils and intrigues, and a give a full view of the debates and opinions in the council at St. Germain's, all which was attended to that, which was taken by the earl of Nottingham, and his paper concerning it was both short and dark; there was an appearance of truth, in all that Marleau told, and a regular process was set forth on it.

Upon these observations, those Lords, who were not satisfied with the earl of Nottingham's Paper, intended to have pressed a demand upon it, as imperfect. It was said, in the debate that followed this motion, either Marleau was asked, who was to command the army to be sent into Scotland, or he was not. If he was asked the question, and had answered it, then the earl of Nottingham had not served the queen, or used the parliament well, when he had set out it in the paper. If it was not asked, there was great reason to be a mover, when it was confessed, that the sending in or an army was in conclusion, not in act, who was to command the army. Upon this motion, the earl of Nottingham made some reflections, which had too deep a reason in them. He said, That the earl of Nottingham did prove, that he had often read over the paper, in which he had set down Marleau's confession, in his hearing, and had asked him, if all he had confessed to him was not fully set down in that paper; to which he always answered, That every thing he said was contained in it. Upon this the earl observed, that Mr. John Marleau having, perhaps, told his whole story to the earl of Nottingham, and finding afterwards, that he had not such a defective account of it, he had reason to conclude, (for he believed, had he been in his condition, he should have concluded so himself) that the earl of Nottingham had no mind, that he should mention any thing, but what he had set down, and that he desired, that the rest might be suppressed. That he could not judge of others but by himself. If his life had been in danger, and if he were interrogated by a minister of state, who could do him either much good or much hurt, and if he had made a full discovery to him, but had observed, that this minister, in taking his confession in writing, had omitted many things, he should have understood that, on an intimation, that he was in speak of these things no more; and so he believed he should have said it was all, though, at the same time, he knew it was not all that he had said. It was therefore moved, That Mr. John Marleau might be sent for and interrogated, but the party was not strong enough to carry any thing of that kind.

and, by a previous vote, it was moved by a majority of eleven voices, to put in question concerning the seal of Nottingham's papers.

The Lords were highly offended with Ferguson's papers, and passed a severe vote against those lords who had received such confidential papers, and had not ordered him to be prosecuted, which they directed the Attorney-general to do. But Ferguson never received the last punishment.

It was apparent, that there was a train of dangerous negotiations, that passed between Scotland and St. Germain's, through the Lords' confidential assistance to the business of them. And the failure of Hamilton's design in his voyage, with Lord Albemarle, that had been made, and the whole progress of the affair, to deprive the whole nation of a well-managed war minister, that it was generally now believed that it was not in former debate it should succeed. During the debate, one vote extraordinary thing happened, the seal of Nottingham's letters upon Sirs or his account, that said things had been noticed in the newspapers, which the failure of Hamilton and Albemarle, with a knowledge of that caused Albemarle agree with him in. After all these own motions and debates, the Lords concluded the whole matter was ending, that the whole of it being dangerous. This business was in the hands and the words of Fraser and St. Germain's, and then the courtiers began plotting a new form for not settling a commission by the crown of Scotland in the House of Commons.

The Lords' debate concerning the Representation of the House of Commons, about the Lords taking the Representation of Persons concerned in the Scotch Conspiracy.—March 28. In the House of Lords the Duke of Somerset reported an Address, drawn by the opposition, upon the Representation of the House of Commons presented to her majesty, and that the several Peers sent on it. Which was read, and agreed to, and passed.

"May it please your most excellent majesty, We, the Lords spiritual and temporal in Parliament assembled, have ourselves obliged through our great unwillingness to make an honorable Representation to your majesty, on the 18th of January last, of the signs and show us on by the House of Commons, and it is with the greatest reluctance we are brought to give

"The Address was passed with great care and much force. These addresses were drawn by the hand of some, and were read over and considered, and corrected very critically, by a few lords, among whom I had the honor to be called for one. They, with the other papers, were published by the Lords, made a great impression on the body of the nation for the difference that was between these, and those published by the House of Commons, was not so visible, that it did not admit of any comparison, and was confined even by those who were the most partial to them." *Barrow.*

your majesty a second trouble upon the like unhappy occasion.—This appears by our address, after the Address of the House of Commons presented to your majesty the 21st of February; though that paper be in effect but one continued misrepresentation of our words and our proceedings, yet we thought ourselves under a great majesty's great judgment, which would discern where the truth lay, through all the colours made use of to disguise it. And we were willing to hope, that a moderate man, who was so little distressed, could not but have good effect upon the House of Commons. But the Votes of the 19th February, which passed before your majesty, have so changed your majesty, and made it impossible for us to be any casual or longer with any such expedient.

They continue to misrepresent our proceedings, and to select the things against us, and they by put us upon an absolute necessity of doing our office justice, in laying a true state of things before your majesty. When we shew'd that the first Address of the House of Commons was considered on every day after our return upon the examination of Bowyer; that, on the 12th of February, when we appeared a day, we read the papers relating to the Conspiracy, and our information, the House of Commons appointed a committee to draw up the Address, and to be presented to your majesty on the 21st, which was the day our committee reported their examination, and that their votes of the 19th came from a committee appointed to consider of the papers presented to them, the same day we made our Address to your majesty. There was a proclamation to encourage the discovery of the authors of the golden-stick letters (though they had made a confession to your majesty on their reading those papers, and had had made all thoughts of them for three weeks together) we cannot without great reason reflect upon the inconsistency of these applications; what can be more likely to prevent the discovery of this dangerous conspiracy, than a declaration, where those who draw were the victims were in reading your majesty to search to the bottom of all? What can move your majesty to an what is the design of the project of having the examination interrupted by an unhappy quarrel between the two Houses? And what has given greater security to your majesty's business, than to see a fellow lord, if it will please, as well for ever as not, in all parliamentary business, and designs? The gentlemen of the House of Commons have owned this point so far, that will thus suffer us to proceed quietly in searching into the bottom of this dangerous conspiracy, they do not only reflect on us, but depart from their pretence of respect to your majesty, and charge your conduct in causing our address to be read, as if you had thereby done an injury to your prerogative. We are therefore obliged in duty to your majesty, as well as justice, sometimes, further to explain the ground which we have acted, and to produce proof therefor that, "We have done nothing more" raised by the practice of our neighbors.

house, and that in several places, and for a long time, when, if they make themselves an independent representation, which is a wound to the constitution, a wound to the boroughs who have a legal right to such representation, and an obligation to your majesty, who has an undoubted title to the service and attendance of all the members, I call this a breach, or a capital impeachment, if we presume to call your majesty, that very few things were less accessible to the unhappy House of Commons, than their entering to fill up their body, and complete the representation!

These impeachments are very dangerous: it is not easy to dissent here for such a practice may be carried, or what effects it may have upon the boroughs that suffer the present wrong, or upon others who may apprehend the like usage; and who can say, but in other times as a power may take advantage of such proceedings, and think himself justified in withholdings his vote from some, by as good law as the Commons can show, by pretending to stop them from coming to attend?

The Commons have made three Addresses to your majesty upon this occasion, yet have not stated the matter in dispute fully in any one of them. The plain matter of fact is this, Blount, Gifford, &c. being seized by the custom-house officers on the coast of France, as they landed from France, were sent for to be brought to town by messengers: the Lords having refused to answer these persons themselves, ordered the messengers to bring them to the House; and presented them to the black rod, in order to their examination. The question is, Whether this proceeding of the House of Lords was a breach of any law, or contrary to the custom of parliament? we insisted it was not, and as we humbly apprehend, we proved our assertions, by undeniable reasons, and we assure your majesty we could justify it by precedents.

It appears by our records, that we have at all times, when we thought it expedient for the public good, not only taken prisoners out of the custody of messengers (which is but a temporary confinement) in order to the examining persons, as when they are under examination; but taken them out of any jail or custody, and put them sometimes into the custody of your majesty's officers attending the House of Peers, sometimes removed them from one prison to another, as the House thought most safe and proper for their examination.

Persons confined, and under sentence of death, may be most properly called the prisoners of the crown, when their lives and liberties are actually at stake; yet the House of Lords sent for several in those circumstances from the farthest parts of England to be examined.

We could produce precedents in all times, when any thing of this nature has been before the house; the most ancient records furnishing the clearest and most frequent instances of the jurisdiction of the Lords, by imprisoning, trying, and punishing all great offenders.

"But we shall at present confine ourselves to the proceedings in respect to the Popish Plot, in the reign of your majesty's royal uncle, (except in some few instances on both houses, as well before as after that time, and only because that was the last conspiracy that fell under a parliamentary examination, but in ancient times it is almost impossible to find any the property such a trial.) And we beg leave to assure to this our humble Address, some extracts on the Proceedings on both Houses in that conspiracy.

"We desire to observe, that though the king mentioned that Plot in his speech, at the opening of the session, yet he said no farther, than mentioning the particulars to the parliament, and desiring them to look into it, that he desired not them, he would intrust the matter to them: He was not very desirous of having the parliament meddle with that enquiry, and doubtless it is reasonable to suppose he would have been wiser, if their proceedings had been a violation of the prerogative, and the breach of the law.

"We beg leave to make this single remark, on such of the precedents as relate to the removal of the popish priests after sentence of condemnation, that this was taken notice of by the Commons, and several messages passed between the two Houses about them. The Commons were earnest that they should be executed, and insisted to have them sent back to the several prisons for that purpose; but they were pretended to deny that the Lords had power to send for them, or change the custody.

"The Commons in their second Address pretended to have been severely affected, and provoked to their harsh treatment of the Lords, by what passed in the Lords' House the 29th of 1— which was almost six weeks after their Address was presented. It looks as if they wanted reasons to justify the ordering that Address, when they are forced to defend it by argument drawn from facts which happened so long since.

"If the Commons had considered our Address of the 29th of January, or 19th of February, they would have found in them no contradiction, or inconsistency to your majesty, with which they charge us. We were recommended several papers that had not been communicated to us: these we desired, and we received them by your majesty's command; and here, we hope, made use of them for your majesty's service and the public safety. We have had the happiness that our zeal has here more than once approved by your majesty, and we trust the Commons to justify their own conduct and indifference in a point of such high concern.

"If we look back on the steps the Commons have made in this whole matter, they will not so well hardly be believed hereafter. And we can assure nothing more for our satisfaction, than that our proceedings and theirs may be compared.

"When the papers relating to the Conspiracy were laid before them, they contented themselves with reading them, and called

advising any advice or assistance, gave your advice, your thanks for laying the papers before them, and expressed their satisfaction in your most judicious conduct and great care of your people's true interest, and great care of your people. This was certainly justly due to your majesty's prudent administration, but was not all that might have been expected from a House of Commons, when your majesty had laid before them the petition or petition of dangerous Conspiracy.

That the matter moved for several weeks; and when at last the House of Commons thought fit to take up a second time the consideration of these papers, instead of doing what we hoped, so if the kingdom surprised them doing, all they did was to find new cause of discontent against the Lords, on complaint of what your majesty had done, to rebuke you to re-assert the just exercise of your prerogative, and to desire you to stop our proceedings, as of dangerous consequence, and what might tend to the subversion of the government.

The conduct seems very unreasonable. And when they had not thought fit to pass any judgment on the Conspiracy, it is hard that the majority should be so severely censured.

The Commons consider what we spoke in general terms, of the fatal consequences that have happened in most countries in Europe, from the unhappy differences that have arisen between the princes of the several kingdoms, to the intestine of one country. The observation was general, and the overthrow of the liberties almost of our neighbours spring from this root.

But we are surprised, that the House of Commons should single out that instance of a resolution in neighbouring country, where the Clergy and the Commons were persuaded upon by the management of the crown, to carry their resentments against the Lords so far, that they destroyed up the authority of the Lords, the peace of the people, and made a total alteration at the government.

We cannot imagine what is meant by calling the members of the Commons and Clergy, in bringing the liberties of their country, their safety in the public defence, nor can we conceive, how this may be maintained on this manner. We hope there is no danger of such things being brought to be such purposes; and we think your majesty and your people are equally interested in this observation.

It is wonderful that the Commons should single out that instance in examining our journals, reflect on as the last looking into our own books, and in the same time raise two petitions, in which they are severely censured, and which give the direct contrary to what is inferred from them.

The Lords in their Representation shew, that the Commons, by appealing directly to the House against the House of Lords, and charging them with attempts of the highest nature, without first asking a conference, had done a thing unprecedented. The Commons, to prove the contrary, cite the Address presented to your majesty on behalf of the bishop of Worcester,

and the Address of the Lords to the late king, on behalf of four lords named in their Address. We advise leave to read these two cases. The Commons had censured the bishop of Worcester without giving him any opportunity of being heard. They had voted him interdictum, which surely is signifying the censured without possibility of repetition, so well as it was condemning him without a trial, and made an answer to your majesty to remove him from being admitted. This proceeding seemed very extraordinary with respect to your majesty, and very so parliamentary with respect to the House of Lords, of which the Bishop was a member, and yet no notice was taken of them. Upon this the Lords made an application to your majesty on behalf of the reserved petition, that he might not suffer in your majesty's opinion, before he had an opportunity of making his defence.

The case of the four Lords was this: the Commons having at the bar of the House of Lords reproached them for high crimes and misdemeanours, the next day made an Address to the late king to remove them from his presence and councils for ever. The House of Lords thought this an attempt of the highest nature upon their jurisdiction, that while the causes were depending before them in parliament, the Commons should put the part they had taken of advisors, and pretend to be the judges themselves, and without the king to put their sentence in execution immediately. But yet they proceeded to act with such a moderation as was scarce to be justified; they forbore expecting with the Commons, which law did they appeal to the throne against them; they only desired the king not to pass any censure upon them before they were heard; they took no notice that the Commons had made any address, and only endeavoured to prevent the injustice and oppression which might have been done to their own members, and the affront offered to their jurisdiction, without making the least reflection on the proceeding; and they had no other way of acting, for an conference could have prevented the impression that might have been made on the king by such an application of the Commons.

Besides, in both these cases the Commons were the aggressors, they first applied to the throne, and made it necessary to the Lords to follow them. Thus for these instances may be offered to shew by what steps the Commons were to the way of addressing against the House of Lords, they began these attempts on the case of particular Lords, which now they put in practice against the whole body of the peers.

The Lords will think themselves concerned in all cases, to observe and manage the face and usage of parliament in impeachments, and that they did with all possible exactness upon the conduct of the impeachments of these four Lords; but they could not judge it reasonable to let the accessors share with them in their punishment. And if the Commons in these instances shall be the judge themselves, in

to endeavour to limit men's opinions, by establishing articles, when they are not able or prepared to maintain their change, the Lords will always look upon themselves as bound to do equal justice and discharge the same. Nothing can truly lessen or weaken the force and use of such articles, but a partial use of them: While they continue to be the equal instrument of public justice, they will have their weight in all places; but if ever they are made use of to defend men only without thoughts of bringing them to trial, independence will lose their terror and the House of Commons will not increase their honour or authority. And if in that case the House of Lords should not do justice to the accused, they would be the only instrument which had the unhappy power of condemning, but not of acquitting.

"The Lords are far from pretending to be the sole maintainers of independence, if the Commons will do their duty in concerning themselves for the public safety; but as they will show as little zeal in the prosecution of the House of Commons here, than, if, when they are told of complaints from the House, they will concern themselves so little as to leave the enquiry to others, the Lords must of consequence be the sole maintainers, for else parliament must be equally excluded from such examinations.

"The Commons in their second Address complain, that they are accused most unjustly of exciting and carrying down your majesty to exert your prerogative against the House of Lords. The words of their first Address are so plain, that no other construction could be reasonably put upon them, and we are now very sure we did not mistake their meaning, since in the Votes which they have had before your majesty, they have thought fit to explain themselves, and in doing so have done your majesty to reiterate the just concern of your prerogative, and take in yourself the maintenance of the matter relating to the prerogative.

"There needs no writing or straining these words, to justify the interpretation we made of their first Address, and surely they had longer when they said in their second, when they came to pass those Votes, by which the necessity of those professions, when they pretend to deny that the remembrance of those unhappy differences may be blotted out, does best appear. But we are still at a loss to know what they truly mean by your majesty's re-iterating your just prerogative.

"Your majesty was pleased to lay the papers relating to the Company before us, and you have given your royal approbation to the method in which we had put the examination and it seems a strange inconsistency in parliamentary enquiries, that they would not know it possible, even with the concurrence of a crown, for either use of parliament to enquire into companies though at the same time we mean freely to say, that if this power be not judged so to by the constitution, it might, and

ever, indeed, cannot be given and delegated by the crown.

"Most gracious sovereign, we humbly apologise for having detained you so long upon a subject which cannot but be disagreeable to your majesty.—The long leave to ourselves, with expiating the past errors we have of the serious and truly royal meditations, which your majesty has always upon this occasion, not suffering yourself to be prevailed upon, in any thing to the prejudice of the constitution, from whatever hands the invitation comes. It shall be our daily prayers to Almighty God, that he will long preserve and prosper your majesty for the good of this kingdom; and that your reign may be as glorious as the world ever, as was happy to all your people."

Answered to the above Address, was the following Letter of Parliament.

PARLIAMENTARY USE OF THE JOURNALS OF THE HOUSE OF LORDS.

May 12, 1674. A paper was presented to the House, being Extracts taken by some Members of the Peace in the county of Essex, concerning some blasphemous speeches said by John Taylor now a prisoner at the goal in Guildford, which paper being read, the House ordered as follows.

Ordered, That the reprint of some long sent custody to the bar of this House, on Friday next, at ten of the clock in the forenoon, to the body of the said John Taylor.

Oct. 31, 1678 His majesty acquiesces the Lords and Commons with a Plot against his person, in a speech, part of which speech is set as follows to the Plot, follows, in his words.

"I now intend to acquaint you, (as I did always do with any thing that concerns me) that I have been informed of a design against my person by the means, of which I shall deliver my opinion, but I may seem too say to me as too late, but I will leave the matter to the law; and in the mean time, will take as much care as I can, to prevent all manner of plots by that sort of men and of others who who having been conspiring in a high degree by themselves, and contriving how to compass my ruin among us."

Whereupon, the House made the following Address.

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, parliament assembled, having been acquainted by your majesty, that there was ready made of a horrible design against your majesty's most safe life, (which God long preserve) in horrible manner to your majesty, that you will conclude to examine us as to the fact, your majesty shall think fit, with regard to any other design against the Person of Majesty, as it is now and then a the choice of England, that we may use our utmost diligence to serve your majesty, according to our bounden duty and allegiance."

are to report to the House what they had concerning it.

Dec. 5, 1678. Upon information given to the House, by the Lord Winchester, that one Edward Wheler stands committed in the city of Worcester, for some seditioning words by him uttered, as is certified in a letter to his lordship, signed in 17th, mayor. It is ordered, that the said Mr. Wheler shall give bail before the mayor of Worcester, for his appearance before the Lords in parliament, within eight days next after such bail given.

Dec. 11, 1678. Edward Wheler being called for, to answer the charge against him, sent up from the mayor of Worcester, but being not to be found, It is ordered, that if the said Edward Wheler come not, and neither himself before the House next, he shall be attached, and be appearing, it is ordered by the Lords spiritual and temporal, in parliament assembled, That the sergeant at arms attending this House, or his deputy, do forthwith attach the body of Edward Wheler of London, gentleman, and bring him to safe custody to the bar of this House to-morrow morning, to answer to the information put into this House, upon oath, against him. And that shall be a sufficient warrant on that behalf.

Dec. 16, 1678. Whereas Edward Wheler was this day brought to the bar by the sergeant at arms attending this House, to answer to the information against him, which he denies, alleging, that he hath witnesses to clear himself of the reasons charged on him. Upon consideration had thereof, it is ordered, by the Lords spiritual and temporal, in parliament assembled, That the said Edward Wheler may, and shall have order for summoning his said witnesses, to be heard next week, on the second day of the sitting of the parliament, next after Christmas, if he desires it, at which time also the witnesses, who have answered against him, shall be summoned to be heard next week, and that in the mean time, the said sergeant at arms shall deliver the said Edward Wheler, into the prison of Newgate, there to remain in safe custody till further order. And that shall be a sufficient warrant on that behalf.

Dec. 3, 1678. Upon information given to this House, that one ——— Barandy, a Spanish priest, is now under custody in the city of Worcester; it is ordered, That the sergeant at Arms attending in this House, his deputy, or deputies, shall forthwith repair to the city of Worcester, and bring thence the body of the said ——— Barandy, in safe custody, to the House.

Dec. 13, 1678. Whereas Henry Barnely, who was by order of the House, sent for from the goal of Worcester, was this day brought to the bar by the sergeant at arms attending this House, and there examined being supposed to be a Popish priest, it is ordered, by the Lords spiritual and temporal, in parliament assembled, That the said Henry Barnely shall, by the said sergeant at arms, or his deputy or deputies, be returned into the goal in Worcester, there to re-

main in safe custody, until he shall be otherwise delivered by due course of law. And that shall be a sufficient warrant on that behalf.

Dec. 23, 1678. Upon reading the petition of Henry Barnely, now in the custody of the sergeant at arms attending this House, shewing, that, being by order of the House brought from Worcester, and, by like order, to be returned thither again, and that being very old and sickly, he is not able to bear the journey to that last session of the year; and shewing, that he now remains here upon bail, it is ordered, by the Lords spiritual and temporal, in parliament assembled, that the said Henry Barnely being charged to be a Popish Priest, shall, by the said sergeant at arms, be delivered into the prison of the King's Bench, there to remain in safe custody, till he be better able to be returned to Worcester, order to be sent thence, and that shall be a sufficient warrant on that behalf.

Dec. 6, 1678. Upon report made by the call at Chertsey, from the Lords' committee to examine persons and papers, &c. that their lordships think it necessary that Mr Henry Tichborne, a Popish recusant, now prisoner in the goal at Worcester, be brought up to town: It is ordered, that the Sergeant at Arms attending this House, his deputy or deputies, shall forthwith repair to Worcester, and deliver him up to his majesty's Tower of London, there to remain in safe custody, till further order: and that shall be a sufficient warrant on that behalf.

To Mr George Cheneock, knight, sergeant at arms, attending this House, and to the Keeper of the Goal at Worcester, and to the Constable of his majesty's Tower of London, and the respective deputies; as also, to all his majesty's officers, civil and military, to be aiding and assisting in this service.

Dec. 20, 1678. Upon information given to this House upon oath, that Thomas Thorne, now, or late, servant to Richard Tichborne, esq., hath uttered dangerous and treasonable words, and that he is at present in the goal at Bury in Suffolk: It is ordered, that the sergeant at arms attending this House, or his deputy or deputies, shall forthwith repair to Bury, and bring thence the said Thomas Thorne, in safe custody to the bar of this House, to answer demands.

Dec. 28, 1678. Whereas Richard Tichborne, esq.; was this day brought to the bar by the sergeant at arms, and showed all that was alleged against him; and whereupon it is a warrant of the Lord Chief Justice of England, issued against him; it is ordered, that the sergeant at arms deliver the said Richard Tichborne in safe custody, to such persons as the Lord Chief Justice of England shall direct.

March 20, 1679. Upon information given to this House, that Richard Tichborne, esq.; who is charged to be guilty of the late murder

conspiracy, for which he was committed to the prison of the King's Bench, hath since been released, upon bail, and is now to be brought to his trial at the assizes at Dorset, in the county of Dorset. Upon consideration had of the case of the said Richard Tasker, it is ordered, by the Lords spiritual and temporal, in parliament assembled, that the judge of assize for that county be, and is hereby directed, that his lordship proceed no further upon the trial of the said Richard Tasker, than to the indictment of him, and the finding thereof by the Grand Jury, and that the said Richard Tasker may be safely sent upon London, in order to his trial, to be had at the bar of the court of King's Bench. And it is further ordered, that Mr. Thomas Beake, one of the messengers attending his majesty's Council-board, be, and is hereby authorized and required, with all speed, to attend the said judge of assize for the purpose, and to take care of the execution of this order, as to the bringing up the said Richard Tasker in safe custody, in order to his intended trial: And for so doing this shall be a sufficient warrant.

December 22, 1718. Ordered, That it be referred to the Lords' committees for examining persons and papers, to examine Richard Tasker and Thomas Thos.

Upon information to the House by the last vicecount Newport, that one Valentine Harcourt, a Papist priest, is taken, and now is custody in the goal of Berwickshire. It is ordered, that the Sheriff for the county of Salop, be, and is hereby required, to take, and give order for the sending of the said Valentine Harcourt in safe custody, to appear at the bar of the House, and that the charge of the said Sheriff shall be allowed upon his account in the Court of Exchequer. And it is ordered, that the Sheriff of the respective counties, through which the said Valentine Harcourt shall pass in his being sent up, as aforesaid, be aiding and assisting to the said Sheriff thereof, at occasions shall require.

March 21, 1719. Upon report made from the Lords' committees, for examining matters relating to the discovery of the late horrid conspiracy, that Capt. Francis Spalding, deputy governor of Chepstow Castle, who was, by order of the House, tried the 21st day of Nov. last, committed to the prison of the King's Bench, for reasons whereof he stands charged, hath since that time been released upon bail, and being upon bail, commands still at Chepstow Castle, as deputy governor, and hath maintained himself, as hath appeared to the said Lords' committees: it is therefore ordered, by the Lords spiritual and temporal, in parliament assembled, that the sergeant at arms attending the House, or his deputy or deputies, do forthwith search the body of the said Francis Spalding, and bring him in safe custody to the bar of that House: And this shall be a sufficient warrant so that behalf.

March 22, 1719. Captain Francis Spalding being brought to the bar by the sergeant at

arms, was asked, whether he is not under bail; which he acknowledged; and that Sir Ralph Delaval and Mr. Muske are his bail, when at the King's Bench; and being asked why he went down to Chepstow Castle, being a prisoner under bail, and by whose order? he said, he had no order for so, but went of his own bond. Then the matter whereof he was charged, and for which he was committed on the 21st of November last, was read, and also the deposition of Thomas Crowder, a soldier of that garrison, was read, &c.

Whereon Captain Francis Spalding, who was on the 21st November last committed to the prison of the King's Bench, there to remain in safe custody till further order, hath since procured his enlargement upon bail, and repaired to Chepstow Castle, as deputy governor thereof, and maintained himself there, as apprehended by the deposition of Thomas Crowder, and other witnesses, upon which he was then tried committed to the bar, being now in custody of the sergeant at arms attending the House: It is ordered by the Lords spiritual and temporal, in parliament assembled, that the said Francis Spalding be re-committed to the prison of the King's Bench, there to remain in safe custody, till further order; and that the said sergeant at arms, or his deputy, take care to convey him, the said Francis Spalding, to the said prison. And this shall be a sufficient warrant so that behalf.

March 23, 1719. Upon report made by the said of Chepstow, from the Lords' committees for examining matters relating to the discovery of the late horrid conspiracy, that their lordships are of opinion, that Edward Turner, a Priest and Jesuit, who hath been examined before them, and is now in the custody of Francis Scott, a messenger, should be committed to prison: It is ordered, that the said Francis Scott shall forthwith deliver the said Edward Turner into the prison of the Gate-house, at Westminster, there to remain as a prisoner, till he shall be delivered by due course of law.

To Francis Scott, messenger, his deputy or deacons, and to the keeper of the prison of the Gate-house.

April 23, 1719. Whereas, as William Andrews is sworn on, and brought to town in custody, as an agent in the late horrid conspiracy against the king. It is this day ordered, that the officer in whose custody the said or William Andrews is, shall forthwith deliver the said or William Andrews into the prison of the Gate-house at Westminster, there to remain a prisoner, till further order.

April 24, 1719. Upon report from the Lords' committees for examining matters relating to the discovery of the late horrid conspiracy, that their lordships have received information made upon oath, that or William Andrews, now a prisoner in the Gate-house, at Westminster, is engaged in the conspiracy against his majesty's person and government. It is therefore ordered, by the Lords spiritual

and temporal, in parliament assembled, that the keeper of the Gate-house aforesaid, he, and is hereby required to take care, that the said *Mr* William Harrison be forthwith conveyed and safely delivered into the Tower of London, there to remain a prisoner, till he shall be discharged by due course of law, and for so doing this shall be a sufficient warrant.

April 21, 1679. Upon report from the committee for examinations, that James Allen, who was taken into custody, being charged with conveying Elizabeth Orley to her house, hath been examined by your lordships, and desired what is charged upon him; and in regard the examinations taken concerning a house held in Foster-lane, are for a continuance of Commons. It is ordered, that the sergeant at arms attending this House, do forthwith carry the said James Allen to the said Committee, to be examined, and disposed of as they please.

Upon report from the committee of examinations, that their lordships think it necessary that William Scorum, now a prisoner in the goal at Cheshamford, should be brought to town. It is ordered, that the sergeant at arms attending this House, do forthwith repair to the goal at Cheshamford, or Essex, and bring thence the body of the said William Scorum, and deliver him into the prison of the Gate-house, at Westminster, there to remain a prisoner till farther order.

April 22, 1679. Upon report from the Lords' committee for examinations, that their lordships had it reported, that David Lewis, who hath been tried and condemned as a Papist priest, at the assizes held for the county of Monmouth, and is now in goal there, may be brought to town. It is ordered, that the sheriff for the county of Monmouth be, and is hereby required to take care, and give order for the speedy conveying the said David Lewis, in safety, from the said goal, to be delivered into the prison of Newgate, the charges of which service shall be allowed to the said sheriff upon his account to the Exchequer.

The like order for Roger Mandip, in the goal at Gloucester.

The like order for John Kemple, in the goal at Cleveland.

The like order for Francis Johnson, alias Webb, in the goal at Worcester.

May 2, 1679. The earl of Charlesborough reported from the Lords' committee for examinations, that William Harricot the Jesuit is taken, and now in the hands of the officer that took him. It is ordered, that the said William Harricot be brought to the bar presently.

Edm. de, p. m. William Harricot was brought to the bar, and being there charged with treason, the House made the following Order:

"Whereas William Harricot, alias Harricot, was this day brought to the bar, and was there charged with High Treason. It is ordered, that the gentleman-usher of the black rod, attending this House, do take special care,

forthwith to convey the said William Harricot, alias Harricot, in safety to Newgate, there to remain a prisoner, till he shall be discharged by due course of law."

To the Gentleman-Usher of the Black-Rod, attending this House, &c.

May 24, 1679. Whereas Richard Gerrard, esq., is charged upon oath with treason. It is ordered, that the keeper of the prison at the Gate-house, at Westminster, (in whose custody the said Richard Gerrard now is) be, and is hereby required forthwith to take care for the conveying of the said Richard Gerrard to the prison of Newgate, there to remain a prisoner, till he shall be discharged by due course of law. And this shall be a sufficient warrant in that behalf.

Oct. 20, 1680. It being signified to this House, that Oliver Plunket, the master prisoner of Arraught, in the kingdom of Ireland, is, by his attorney's order, brought over hither, in order to be tried here, and is now in custody in the hands of a messenger; It is ordered, that the messenger, in whose hands the said Oliver Plunket now is, be, and is hereby authorized and required, forthwith to convey and deliver the body of the said Oliver Plunket into the prison of Newgate, and that the keeper of the said prison do keep him there in safety, and he shall be discharged by due course of law. And that the said keeper do, his under-officer do take care, that the said Oliver Plunket be kept a close prisoner, till the pleasure of the House be further signified; and this shall be a sufficient warrant in that behalf.

To the Messenger in whose custody the said Oliver Plunket is, and also to the keeper of the Prison of Newgate, his Deputies and Under-Officers, and every of them.

Jan. 4, 1680. Ordered, by the Lords spiritual and temporal, in parliament assembled, that Mr Attorney General do peruse the information read this day, and draw warrants for the commitment of *Mr* John Fitzgerald, of France Lucy, and Isaac col. Beady, as may be available in the law, and attend the judges for their assistance therein, and present the same to the House to-morrow, at ten o'clock in the forenoon.

Ordered, That *Mr* John Fitzgerald, *Mr* France Lucy, and Isaac col. Beady, do remain in the custody of the parliament, as now they are, till the House give further order.

Jan. 5, 1680. Ordered, by the Lords spiritual and temporal, in parliament assembled, that *Mr* John Fitzgerald be committed to the Gate-house for treason, in conspiring the king's death, and in levying war, and pretence to introduce a foreign force into the kingdom of Ireland, and to depose the king from the crown of Ireland; and that the messenger, in whose hands the said *Mr* John Fitzgerald is, be, and is hereby authorized and required, forthwith to convey and deliver the body of the said *Mr* John Fitzgerald into the prison of the Gate-

Resolved, That the keeper of the said prison do receive and keep him there in safe custody, till he shall be discharged by due course of law. And that shall be a sufficient warrant in that behalf.

Ordered, by the Lords spiritual and temporal in parliament assembled, that Pierce Lucy, late so concerned in charging Mr. James, in opposing the king's death, and in keeping war, and proceeding to introduce a foreign force into the kingdom of Ireland, and to depose the king from his crown of Ireland; and that the messenger, on whose hands the said Pierce Lucy was as, he, and is lawfully authorized and required, forthwith to convey and deliver the body of the said Pierce Lucy into the prison of Newgate, and that the keeper of the said prison do receive, and keep him there in safe custody, until he shall be discharged by due course of law. And that shall be a sufficient warrant in that behalf.

The Writ Under the seal. William Huddly.

Dec. 30, 1692. Ordered, by the Lords spiritual and temporal in parliament assembled, that Mr. Venant, now in custody, do stand committed to the gaol or prison of the black cell adjoining this House. And it is further ordered, that the said gentleman-sher go to the lodging of the said Venant, and secure his papers, and seal them up in his presence, and on a guard on his house or lodging.

Parliamentary out of the Journals of the House of Commons.

March 24, 16 Car. 2. Upon information, that George Withers had been the author and publisher of a scandalous and seditious pamphlet, to encourage the people, and to vilify and defame the members of the House, and to invade the honour and justice of this House, and their proceedings, and was now a prisoner in Newgate,

Resolved, That the said George Withers be brought in custody of the Sergeant at Arms attending the House, or his Deputy, to the bar of this House, or bar of which this afternoon, to be examined touching the matters objected against him; and the keeper of Newgate, or his deputy, is to cause him to be brought accordingly.

Resolved, That this House do adjourn 'till 3 o'clock this afternoon.

George Withers being then brought in custody to the bar of this House, and the conditions without trial, with which he stands charged, being shown unto him, the same being in two distinct papers: upon view of the first of these, he declared, That the same might be his hand, but that it was but parcel of what he intended, and the other writing being shown to him, he declared the same to be of his own handwriting, and two witnesses being called in, viz. Henry Norrington and Robert Mayhew, and saying that they took the said papers from under Mr. Withers's hand, and that he was writing part of them just when they were taken from him; and that being upon examination

before Mr. Attorney General, confess the said papers to be of his own writing and handwriting.

Resolved upon the questions, That George Withers, who was then brought from the prison of Newgate to the bar of this House, be sent prisoner, and detained until the next day of the Court of the King, to answer to him in person, and to be denied pen, ink, and paper, and be detained from having any company to speak unto him. And it is referred unto Mr. Pryn, Mr. Sergeant Charles, Mr. Solicitor General, Sergeant Maynard, Dr. Buckerell, Mr. Thurland, Mr. Sayth, Mr. Vaughan, and Mr. Clifford, or any three of them, to peruse the said papers, returned by him confessed, and draw up an impeachment against him, and report it to the house at their next meeting.

Oct. 21, 1693. Ordered, that a committee be appointed to examine concerning the murder of an Edmundsbury Godfrey, and to inquire into the manner and means how he came by his death; and likewise to report into this parliament of the plot and conspiracy, mentioned in his majesty's speech, against his person and government, which committee was empowered to send for persons, papers and records.

Ordered, That an Address be made to his majesty, by each member of this House to wit, in his majesty's privy council, humbly to desire his majesty, that all papers which do relate to the plot and conspiracy, mentioned in his majesty's speech, against his person and government, may be communicated to the said committee.

Oct. 23, 1693. Resolved, for That the matter concerning the plot and conspiracy, mentioned in his majesty's speech, against his person and government, be heard at the bar of this House.

Ordered, That Mr. Michael Godfrey be forthwith sent for in attend with the papers of examinations, taken by Mr Edmundsbury Godfrey, and now remaining in his custody sealed up, touching the plot and conspiracy mentioned in his majesty's speech.

Oct. 24, 1693. The papers of examinations taken by Mr Edmundsbury Godfrey, touching the plot and conspiracy, mentioned in his majesty's speech, which were delivered in by Mr. Michael Godfrey, were opened, and by Mr. Spaldenwood in this House.

Ordered, That the chairman of the committee, appointed to examine concerning the murder of an Edmundsbury Godfrey, concerning the plot, mentioned in his majesty's speech.

Ordered, That Mr. White, alias Whitehead, and Mr. Mabe, be removed from the House where they are now in Newgate, in case they be in a condition fit to be received.

Oct. 25, 1693. Mr. Speaker reports to the House, that in pursuance of the order of this House yesterday, he had caused upon his Majesty, and acquainted him with the reform-

that the House had yesterday received, and that his majesty was pleased to acknowledge the great care of the House, in the preservation of his person and government; and that his majesty was informed, that Mr. White, alias Whitebread, and Mr. Morda, were at present very sick, but that his majesty would send to see them, and if they were in a condition to go to bed, they should be furnished with a Napkin.

Ordered, That the members of the House, who are patrons of the peace for the county of Middlesex, do repair to the lodging, at Mr. White, alias Whitebread, and Mr. Morda, and take their examinations touching the plot and conspiracy mentioned in his majesty's speech, against his person and government, and deliver out their warrants for searching their lodgings, and seizing all such papers and writings relating thereto, as shall be there found.

Nov. 25, 1754. p. m. Ordered, That the secretaries be desired to retire the King, that the Keys of Mr. Coleman's chamber may be delivered by the messenger in whose hands the same are, to the committee appointed by the House to search Mr. Langham's papers and writings.

Oct. 26, 1754. Ordered, That an humble Address be made to his majesty, by such members of this House as are of his majesty's most honourable privy council, to desire his majesty, that Mr. Coleman's Papers, and all other papers relating to the plot and conspiracy, mentioned in his speech, in his speech, may be communicated to the House.

Mr. Secretary Williamson informs the House, that in pursuance of the order yesterday, he had attended his majesty, and represented him with the dissent of this House, that a committee of this House might be sent to search Mr. Langham's Papers, and that his majesty was pleased to give leave that the same may be searched, and had appointed two of the clerks of the council to seize the Communications thereon; And that his majesty was pleased to deliver him some of Mr. Coleman's papers sealed up, and ordered him to deliver the same to the House; and had also commanded him to inform the House, that the rest of Mr. Coleman's papers were at present under examination before the House of Lords; and that as soon as the Lords had done with them, they should be communicated to this House. And the papers were accordingly, by Mr. Secretary Williamson, delivered in, sealed up.

Oct. 29, 1754. Ordered, That his majesty be humbly desired, by such members of this House as are of his majesty's most honourable privy council, that an inventory, or list of all Mr. Coleman's papers, which have been seized by the clerks of the council, may be communicated to this House; and that all those papers which are so seized, may be delivered over to a committee of this House.

Ordered, That a committee be appointed to examine Mr. Coleman, touching the plot and conspiracy mentioned in his majesty's speech.

Oct. 31, 1754. This House being informed

that the clerk of the council was attending without, with Mr. Coleman's papers;

Ordered, That the papers be delivered to the clerk of the House, and by him transmitted to the committee appointed to examine him same.

Nov. 1, 1754. Ordered, That the clerk of the council be desired to transmit the Communications with Mr. Harcourt's papers and writings; and that all other papers and writings relating to the plot mentioned in his majesty's speech, either in the hands of the secretaries of state, or in the hands of the clerks of the council, be forthwith communicated to this House, according to the leave graciously given by his majesty.

Nov. 22, 1754. Resolved, that an humble address be made to his majesty, by such members of this House as are of his majesty's privy council, to desire his majesty, that such letters and papers which relate to the plot and other transactions, as have not been printed by this House, may be communicated to them.

Nov. 26, 1754. A message from the Lords by Mr. John Lord and Mr. Samuel Clark.

Mr. Speaker, the Lords have returned an answer, that there is a faculty under the seal of Cardinal Barberini, for dispensing with the voting of the cards, and other things, in the hands of a member of this House, which they likewise desire may be communicated to them.

Mr. John Knight informs the House, that the paper mentioned by the Lords was found among Mr. Ireland's papers, and he delivered the same at the clerk's table; which being read by Mr. Speaker.

Ordered That the said paper be sent to the Lords, and that Mr. Speaker do acquaint the messenger, that when their lordships have perused the same, the House does again it should be returned upon, in order to be entered in the Journal of this House; and the messenger being called in, the said paper was delivered them, and Mr. Speaker acquainted them with the pleasure of the House.

April 23, 1755. Resolved, That an humble Address be made to his majesty, to desire his majesty to give order for the arresting of Pickens; and also to give order to the judges, to issue out their warrants for arresting the several papers printed, which they have condemned in their several circuits.

May 5, 1755. The Lord Russell acquaints the House, that his majesty had commanded him to let the House know, that his majesty's willing to comply with the request made in last by the House concerning Pickens, and that the law shall pass upon him accordingly.

As to the condemned prints, the House of Peers have agreed for them, in order to be sent into the country to some other persons.

May 8, 1755. p. m. Mr. Hampden reports from the committee appointed to inspect the Lords Journals, and also, inter alia, upon the condemned Papal prints, that the committee had suspected the

Journal, and taken out copies of their proceedings, which he reported to the House.

May 23, 1629. *Ordered*, That a message be sent to the Lords concerning the condemned Popish priests, sent for up to London from the several county gaols, by order of their lordships.

May 25, 1629. Sir William Fraunceys reports from the committee appointed to draw up and prepare a message to be sent to the Lords, concerning the Popish priests condemned in the courts, that the committee had agreed upon a message to be reported to the House, which arrived in due place, and afterwards delivered the same to on the clerk's table, where the same was there read, and upon the question, agreed, and it is following, [170]

The House of Commons having made an humble Address to his majesty, that he would be pleased to give Order to the judges, to cause and then warrant for the attaching the several popish priests condemned in the several courts, and his majesty having been graciously pleased to signify to the House of Commons, that year by delays have not been done, in order hereto, concerning in some circumstances; and the House of Commons having also informed, that the said priests have, by Order from your lordships, and only been brought out of the several counties, where they were condemned, but continued yet in Kewgate, and other places, in or about the county of London and Westminster, by reason whereof the execution of the sentence pronounced upon them is still delayed, to desire at your lordships that the said priests may be forthwith removed to the several counties where they were condemned, that so they may be executed, according to the judgment passed upon them.

Under the 1st Will. & Maria, the House being informed, that several of the prisoners of the Tower were now leading in the court of King's-Bench, being brought thither by the prisoner of the Tower, by virtue of a Habeas Corpus awarded for that purpose, particularly to Thomas Jenner, Mr. Richard Graham, and Mr. Philip Barton.

Ordered, That Mr. Thomas Jenner, Mr. Richard Graham, and Mr. Philip Barton, be immediately brought to the House by the prisoner of the Tower, in answer to such matters as shall be objected against them.

And Mr. Speaker moved his warrant accordingly, and the same was sent by the sergeant at arms attending the House.

Afterwards, the sergeant requested the House, that Mr. Thomas Jenner was bailed, and removed of court, and that Mr. Graham was bailed in the court: and that neither bailing by him delivered the warrant to the gaoler of White Tower, and that he was coming with Mr. Graham, and Mr. Barton.

Ordered, That Mr. Thomas Jenner be sent into the custody of the sergeant at arms attending the House, in answer to such matters as shall be objected against him.

The House being informed, that Mr. Barton

and Mr. Graham were at the door, they were severally called into the bar of the House and charged with the several matters contained in the said report, and heard what they could say touching the same.

And being withdrawn, *ordered*, That Mr. Richard Graham, and Mr. Philip Barton, be committed to the custody of the sergeant at arms attending the House, for several high crimes and misdemeanors objected against them.

And it is referred to, &c.

Jan. 4, 1699. The House being informed, that Mr. Reginald Marriot^a had sent to several members of the House, letters, acknowledging that he had been concerned in the irregular endorsement of exchequer-bills; and therein offered fully to relate how that irregular practice had been proposed and carried on, and in what manner he had been drawn into the same.

Ordered, That the said Mr. Reginald Marriot be summoned to attend the House immediately, and the said Mr. Marriot attending accordingly he was brought in by the sergeant at arms attending the House to the bar, where he delivered an account of his knowledge of that matter as written, signed by himself, which he read at the bar, and afterwards delivered into the House.

Ordered, That the examination taken before the lords of the treasury, relating to the irregular endorsement of the exchequer-bills, be laid before the House.

A motion being made, that the House will order that all prosecutions at law against the said Mr. Marriot be stayed during the pleasure of the House; and a debating time thereupon: Resolved, That the debate be adjourned till tomorrow morning.

Ordered, That the said Mr. Marriot be taken into custody of the sergeant at arms attending the House; and that no person be permitted to converse with, or bring any letters to him, without leave of the House.

Jan. 5, 1699. Mr. Lawson, according to order, presented to the House several papers relating to the exchequer-bills, taken before the lords of the treasury, touching the false endorsement of the exchequer-bills.

The House resumed the adjourned debate of yesterday touching the ordering the stay of any prosecution at law against Mr. Marriot.

Ordered, *nam. con.* That all prosecutions at law against Mr. Reginald Marriot, in relation to the false endorsement of exchequer-bills, be stayed, during the pleasure of the House.

But nothing more was done in this business.

The *Lord's Address* concerning the Scotch Conspiracy, and for redress to be sent to with the declaration thereon Mr. Francis Se-

^a Mr. Reginald Marriot was under prosecution, by virtue of the false endorsement of the treasury, and was under bail.

p[ar]t.] March 31. The Lords, after the conclusion of this affair, made the following Address to her majesty in answer to that which the Commons had made against them: (see p. 127), viz

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, humbly beg leave to represent your majesty, that, as soon as all the papers relating to the conspiracy in Scotland were, by your majesty's command, laid before the House; according to our duty, and with the trust which we have always shewn, where the safety of your person, and the safety of your people must be concerned;—We applied ourselves to search into the design of your enemies, as well by a careful perusal and consideration of the papers, as by appointing a committee to examine the persons who had been taken into custody upon account of the Conspiracy, and others from whom it might be reasonably supposed any light might be gained towards the discovery.—And the committee having made their report to the House, upon certain deliberation of the whole matter, we came to the unanimous Resolution:—That it did appear to us, there has been a dangerous Conspiracy carried on, for the raising a rebellion in Scotland, and invading that Kingdom with a French power, in order to the subverting of your majesty's government both in England and Scotland, and the bringing in the pretended prince of Wales.—We do also humbly take leave to offer to your majesty, as our concurrent opinion, that nothing has given us much entertainment to your enemies at home and abroad, so much as this detestable conspiracy; so that, after your majesty, and the house of your body, the merchants concerned in the arms of Scotland is not declared to be in the peaceable Kingdom, and the house of her body, being Protestants.—Most gracious Sovereign, We, being fully convinced of this important truth, most humbly beseech your majesty, in regard to the safety of your own royal person, the quiet of your reign, and the present and future happiness and peace of your people, to use your royal endeavours, by all such methods as your majesty or your wisdom shall judge most proper, to have the execution of the crown of Scotland declared to be void upon the progress of this, and the house of her body, being Protestants. And we do also humbly beseech your majesty to take all other measures, which may best and most effectually conduce to the suppressing and frustrating the design of your enemies, and of such of your numerous subjects as are engaged with them in this dangerous conspiracy against your majesty, for the more advantage of your government. And we do most humbly and unanimously advise your majesty, that, when your wise endeavours for the settling the union on Scotland shall have taken the desired effect, we will do all in our power to promote to secure and cement the union between the two king-

doms of England and Scotland, for their mutual security and advantage."

The Lords' Address for the Commission the Peace to be restored.] March 31. The Lords presented the following Address to her majesty

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, having taken into our consideration the great alterations that have been of late made in the commissions of the peace, do most humbly beg leave to lay before your majesty, that it is our opinion, that no person be in the commission of the peace as the peace of your majesty: and we do further humbly beseech your majesty, that you will be graciously pleased to order the commissions of the peace to be renewed, and to give directions that no persons or persons be chosen, or put into the commission of the peace, but men of quality and estate, and of known affection to your majesty's title and government, and the Protestant religion on and the Church of England, as they are both established by law, so that your majesty will be pleased to order, that such be restored who are incapable, and have been turned out without just cause."

The Queen's Answer to the Address of the Lords.] In this Address, her majesty gave the Answer.

"My Lords; I I hope, none of my subjects have any cause to know my proceedings; since I have no thought of making use of them for their protection and advantage—I lay open it as a great weakness, when any misunderstanding happens between the two houses of parliament; which cannot be, without much prejudice to the public, that I shall seem not any thing in my power to prevent the continuance of them."

"My Lords; 2. This Address consists of many parts, that I cannot take notice of now but in general. I will consider the several particulars, and give such directions shall be proper for the safety and welfare of the nation."

"My Lords; 3. I have some time since declared my intention of restoring the Protestants in the Kingdom, to my servants at that time, as the most effectual means for securing their peace and our own, and the readiest way to restore Union between both Kingdoms: as the professing of which, it is very desirable, and should be so."

"My Lords, 4. I have always thought it will be the greatest advantage of the Kingdom, that you have a set of laws, and a set of men in their power.—And if there should be a set of laws, and a set of men in the government in the Protestant Kingdom, and the Church of England, established by them, I shall I shall give according to the rule."

PROCEEDINGS AT BOTH HOUSES IN THE Great Case of ASHBY and WHITE.*

PUBLISHED BY THE HOUSE OF COMMONS.]
About the Case the Great Case of ASHBY
and WHITE came on in the House of Commons.

* These differences between the two Houses were first heightened by the Lords on, referring to an affair, the competence of which the Commons pretended to belong solely to themselves. There had been great complaints long made, and these had increased within a few years, of great partiality and injustice in the election of parliament-men, both by sheriffs as officers, and by the returning officers in boroughs. In Aylesbury in Buckinghamshire the return was made by four constables; and it was believed, that they had made a bargain with some of the candidates, and then managed the matter so, as to be sure, that the majority should be for the persons, to whom they had engaged themselves. They continued about the town, to know how the voters were set, and they resolved to find some pretence for disabling those, who were engaged to vote for other persons than their friends, that they might be sure to have the majority in their own hands.

And, when these matters came to be resumed by the House of Commons, they gave the election always for him, who was reckoned of the party of the majority, as a manner so hazardous, that they were scarce out of consternation, when they were charged for injustice in judging elections. It was not easy to find a remedy against such a crying abuse, of which all were in their turns, as they happened to be depressed, had made great complaints; but, when they came to be the majority, seemed to forget all, that they had before extolled against. Some few occurred times on the topic of malversation, charging, that they dealt with others as they dealt with them or their friends. At last an action was brought against William White, and the other constables of Aylesbury, by one Matthew Ashby, who had been always returned to run in former elections, but was deposed in the last election. This action was used as the means, and it was found there by the jury, that the constables had deposed him a right, at which he was undoubtedly in possession, so that they were cast with damages. But it was moved in the Queen's Bench to quash all the proceedings in that matter, since no action did lie, as now had been brought upon that return. The judges Powell, Gould, and Power, were of opinion, that no harm was done to Ashby; that the judging of elections belonged to the House of Commons. That, as this action was the last of its kind, so, if it was allowed, it would occasion an infinite number of suits, and put all the officers concerned in that matter, under great difficulties. Chief justice Blackstone differed from the rest. He thought that a majority of the persons, superintending, both as to the return and in general, and to every man in

Matthew Ashby, having commenced suit prosecuted an action at common law against William White, Mayor of Aylesbury, and others, the constables of that town, for denying him to serve his vote at an election of burgesses to serve in parliament, for the said borough; 1701.

his own particular. He made great difference between an election at a town and borough, to vote in it. That the House of Commons was the only judge of this matter, whether it was rightly managed or not, with its officers, laws, or violence; but the right of voting in an election was an original right derived either out of a freehold of forty shillings a year in the county, or an burgess-hold, or possession, or by charter, in a borough. These were all legal titles, and, as such were triable in a court of law. Acts of parliament were made concerning them, and, by reason of these, every thing relating to these was triable in a court of law. He spoke long and learnedly, and with great vehemence, upon the subject, but he was once interrupted, and therefore the order of the Queen's Bench was given to deliver to the constables. The matter was upon that brought before the House of Lords by a Bill of Preamble; the case was very fully argued at the bar, and the judges were divided to deliver their opinions upon it, which they did very copiously. Chief Justice Trevor moved much on the subject, that the House of Commons had the judge of all these elections. From that he inferred, that the Commons only could judge, who were the electors. Petitions were often grounded on this, that as a poll voter were admitted to a vote, who had no right to it, and that others were deposed it, who had a right; so that in some cases the Commons were the proper judges of the right, and, if they had it in some cases, they must have it in all. From that he inferred, that every thing relating to these was triable by them, and by them only. If two independent jurisdictions might have the same cause brought before them, they might give contrary judgments in it; and this must breed great confusion in the execution of these judgments.

To all this was answered, that a single man who was wronged in this matter, had no other remedy but by bringing it into a court of law; for the House of Commons could not assume the right of every voter. If the man, for whom he would have voted, was returned, he could not be heard in exception in the House of Commons, though in his own particular he was deposed a vote, since he could not make any exceptions to the return, and therefore must have his wrong without remedy, if he could not bring it into a court of law. A right of voting in an election was the free use of all the rights of an Englishman, since by that he was represented in parliament. The House of Commons could give a remedy to a man wronged in this point, nor any damages; they could only set aside a return, and admit of another return. That this was no remedy in law, who suffered the wrong; it made him the less considered in his borough,

being met, he brought a *Writ of Habeas Corpus* the House of Lords, who, upon short examination of returns, and upon mature deliberation, gave judgment in favour of *Ashby*. The Commons looking upon these Proceedings as an encroachment on their prerogative, proceeded as follows:—

and that ought to be a red damage to him in his trade. Since this was a right inherent in a man, it seemed reasonable, that it should be brought, where all other rights were tried, into a court of law. The where was new, and was daily growing, and it was already swollen to a great height. When new disorders happen, new remedies must be, otherwise there is a failure of justice, which all men shun. Practices of this sort were to be cut off and strung, and if the rule made in the Queen's Bench was observed, it would very much increase these disorders by the indemnity, that seemed to be given to officers, who took the poll.

"After a long debate, it was carried by a great majority to set aside the order of the Queen's Bench, and to give judgment according to the verdict given at the assizes. They gave great offence to the Commons, who looking on these proceedings as an encroachment on their prerogative, after having inspected the Lords' Journals, resolved, "1. That, according to the known law and usage in parliament, it is the sole right of the Commons of England, in parliament assembled (except in cases otherwise provided for by act of parliament) to examine and determine all matters relating to the right of election of their own members. 2. That neither the qualification of any elector, or the right of any person elected, is examinable or determinable elsewhere than before the Commons. 3. That the examining and determining the qualification or right of any elector, or any person elected to serve in parliament, in any court of law, or elsewhere, than before the Commons, will expose all magistrates, judges, and other officers, who are obliged to take the poll, and make a return thereupon, to multiplicity of suits, vexatious suits, and insupportable expences, and will subject them to different and independent jurisdictions, and inconsistent determinations in the same case, without relief. 4. That Matthew Ashby, having, in contempt of the jurisdiction of this House, commenced and prosecuted an action at common law against William Whit and others, the constables of Aylesbury, for not receiving his vote when elected at burghesses to serve in parliament for that burgh, is guilty of a breach of the privileges of this House. 5. That whoever shall presume to commence or prosecute any action, indictment, or information, which shall bring the rights of the electors, or persons elected to serve in parliament, or the determinations of any other jurisdiction than that of the House of Commons (except in cases specially provided for by act of parliament) such person or persons, and all attorneys, solicitors, counsellors, and servants at law, officers, prison-keepers,

Debate in the House of Commons, upon the Great Question, Whether an Action lay at Common Law for an Elector, who was not in the Poll for Members of Parliament.

January 17, 1704. The House being informed, That there had been an extraordinary dis-

puting in any such case, are guilty of a high breach of the privileges of this House." And they ordered these Resolutions to be read upon Westminster-Hall-gate, signed by the clerk. However, they did not think fit to read for *Ashby*, who had sued, or rather, in whose name the suit was carried on, but let the matter till again, under a show of moderation and pity, and rested it upon the general voice. On the other hand, the Lords appointed a Committee to draw up the state of the Case upon the *Writ of Habeas Corpus* when *Ashby* was plaintiff, and of William Whit and others defendants, which Committee having made their report, their lordships resolved, "1. That, by the known laws of that Kingdom, every freeholder, or other person having a right to give his vote at the election of members to serve in parliament, and being wilfully denied or hindered so to do by the officers who ought to receive the same, may maintain an action in the queen's courts against such officers to assert his right and to recover damages for the injury. 2. That the asserting, that a person having a right to give his vote at an election, and being hindered so to do by the officers who ought to take the same, is without remedy for such wrong, by the ordinary course of law, is a denudation of the property of the subject, against the freedom of elections, and manifestly tends to encourage corruption and partiality in officers, who are to make returns to parliament, and to subject freeholders, and other electors, to their arbitrary will and power. 3. That the declining Matthew Ashby of a breach of privilege of the House of Commons, for prosecuting an action against the constables of Aylesbury, for not receiving his vote when elected at burghesses to serve in parliament for that burgh, is guilty of a breach of the privileges of this House. 4. That the asserting election from proceeding, actions in the ordinary course of law, when they are dependant on their right of voting, and marrying women, soldiers, constables, and others, at law, from selecting, prosecuting and pleading such suits, by voting them so doing to be a breach of privilege of the House of Commons is a manifest encroaching a power reserved by law, and under the name of justice, and air-jest the property of Englishmen in the arbitrary votes of the House of Commons." The Lords likewise ordered the lord-keeper to send a copy of this Case, and of their Resolutions, to all sheriffs of England, so he commandeth them to the sheriffs in their counties. The Commons

went upon in the House of Lords upon a Writ of Error from the court at Queen's-bench, in a Cause between Matthew Ashby and William White, wherein the Privileges of the House were concerned, appointed some of their members to search the Journals of the House of Lords as to their Proceedings upon the said Writ of Error, and to digest the same to the House. They also ordered the same members to prepare a Journal of the House of Lords, as to what they had done formerly in the Case of Somers and Burdett, and likewise to report that to what is in the House.

January 18. The House ordered, that the members who were appointed to search the Journals of the House of Lords as to their Proceedings upon a Writ of Error from the court at Queen's-bench, in the cause between Ashby and White, should likewise search the several orders of the court at Queen's-bench, for the Record of the Judgment, and all other Proceedings there in that Cause, and report the same to the House.

January 22. Ordered, That the Report, with relation to the Proceedings of the House of Lords and Court of Queen's-bench, in the Case of White and Ashby, should be made on the morrow morning.

January 24. Mr. Browne reported, That the members appointed to search the Lords Journals, touching the Proceedings upon a Writ of Error from the court at Queen's-bench, in a Cause between White and Ashby, and what the Lords had done in the Case of Somers and Burdett, had searched the same accordingly, and he read in his place what they found thereon, and he delivered the same in the table, where the same was read. And Mr. Browne also reported, That the members appointed had also searched the orders of the court at Queen's-bench, for the Judgment and Proceedings there in the Case of Ashby and White, and had obtained a copy of the Record of the Judgment, which he delivered in at the table.

The Speaker, (Mr. Harley, afterwards earl of Oxford) after the Reports were read, told the House, That he thought it to be his duty to put them in mind of the great consequence and importance of this matter, and that it belonged them to take very great notice in their proceedings, not only that the grounds and foundation be good, but also that the method and manner of carrying it be according to ancient usage and custom of parliament: and so

was highly provided with this, but they could not hinder it. The thing was popular, and the Lords got great credit by the Judgment given by them, which in the people of England was how they might be defended for the future, if they should meet with the same, the privilege, and other ill practices, that had appeared of late in elections, even beyond the examples of former times." *Tribune.*

that end he desired the House would give him leave to state the matter, as a proposed to him, and according to what arose out upon the motion to his memory, that the House might take proper methods upon this occasion.

The Speaker then proceeded to give the House an account of the several alterations by causes of common law, and that the great alteration in point of election was in the beginning of Henry the sixth, since whose reign the manner for parliament have been made by statute. That by the statute of 7 H. 6, there is a method prescribed of election and return, and the reason he took to be this. It is contained in the summons of the court, by the deposition of R. 2, when the parliament was sitting. That parliament was summoned to H. 6, notwithstanding to the end it was called a new parliament, and returns were made as by the sheriff of the counties, and also by the borough, and it was a new parliament, and it was the same parliament, but they were the same men, and there was some friendship between one parliament and the other, to have a conclusion. The Henry 3, having made such an extraordinary step, he would not R. 2, it was a great way to be found out. Afterwards, when there was a little more settled, in Henry 4, and then Edward 1, it was so settled by a statute, that it is provided, in the great complaint of the Commons, that it should be done by indenture, that the sheriff be, there should never be put upon the bishop's returns, and one part was to be kept before. This continued but about four years, when there was another complaint of the proceedings of sheriff (he said he need not mention the negligence of this year, and some other things which are not directly in this case), and upon that there was a statute put upon the sheriff of 1301 which he desired to be the 13th year, and it was put under the equity of judgment of state, and so it stood all the king's reign till H. 5. And then there was another law made for election and sheriff, that they should be all sworn. Some of the law books give a pretty construction of it, that though there was such a law, yet the custom of parliament was to be the rule. But he could be thought it to be a better construction, that it being then enclosed a service, and a hard service, some but residents in the borough were compellable. This it continued till about H. 6's time, and then if the sheriff had made a wrong return, it redress or prosecuted at the assizes, there was to be immediate execution for the 1301 without any traverse. Upon this there was statute to allow the sheriff a traverse for the 1301, and that he should not be liable to it till he was legally convicted; and it stood till about a year afterwards, that the parliament thought it necessary to make another act about H. 6 and elsewhere was great complaint again of the ill proceedings of sheriffs. And the law was enforced again, and it was declared also should be the sheriff, and the sheriff was still liable to all penalty of

by several learned in the law, and considered by the judges in the night; and upon their mature consideration was given for the declaration, that the plaintiff had no good title. — Now I understand the chief objection to be, that the right of voting in such cases has been, and ought to be, regulated by the House of Commons, and not by the law and usage of parliament; the House of Commons have found and determined the right of their constituents, and consequently and necessarily the right of the electors in such, and for this purpose, at the opening of all parliaments a committee of electors is nominated of members of our own, to hear and determine of such right of electors, in whose persons I am presumed to be thus to be referred, and whose names had been referred his vote in the House to be, notwithstanding, allowed his vote here to be, and right, and it shall be the business of such as the two had been referred before, and the committee, after judgment upon the case, report to the House all the special matter, and their resolutions, where the whole matter may be clearly debated, and the House upon the case with the committee, to shall say, it is reasonable. So that the consideration and method of trial hath been their own, and more likely to be well founded than that of a common jury, who are to be so much, by their numbers, and when as private are corrupted or deceived, that new trials are often granted by the judges. But it may be objected, that no single petitioner will be moved by the House in answer to this, but by many, and therefore petitioners such as damages suffered by very few persons, and by the same reason may be overruled. I answer we have an order of the House against us; and if petitioners object, that we might get an order to answer as well as them, if they will show us what it was offered, I will show them when it was returned, I believe they cannot show us a counter-refered. But I would wish if they can show us that such an election as this was ever brought against the electors, as in this case. I am sure they cannot, and which, in our law, is allowed a good argument, if we are not law; especially in being a case which cannot be prevented, but may happen every day, and in every election. And I believe with some in a parliament called but to inquire whether might have been taken for such an action, and better founded than that of the Plaintiff, who was a poor heeler, and removed from that parish by the order of the petitioners, as being likely to become chargeable. But it seems the committee reported a consideration to their representatives to have right done than in such case. They sought protection from common law. And what is now done by the attempt? Why, the judges, upon their oath say, and they have no cognizance of the cause, but notwithstanding the Lords say they have no cognizance, and accept that judgment.

and the consequence of that is, the judges will judge of their own undoubted jurisdiction, and will now draw some questions; and in that matter and law, the Lords may sit in judgment upon all other our precedents, and then if we become depending upon them, which we cannot do, I find, we willing to submit, and that they say, who is not a subject, it has right to judge, to have damages, which the House of Commons cannot give. I submit, who is one is required to shall have redress by one law, in one place or other, but we have not one step to raise all damages. The Queen's Bench relates it only as a matter criminal, the Common Pleas in civil cases between party and party, the Exchequer as a matter of revenue, Chancery in matters of trust, and in this Court as a matter of law, but may be, but not as to the House of Commons, by law and usage of parliament, which all lawyers know, is a very considerable, known and approved part of the laws of England. And though damages are usually given by a civil officer, for wrongdone, and arbitrarily given by a civil officer, but right may be, and law be a principle, in the power and authority of the House, and even as to damages, as when an elector is referred by the House, or other person, who ought to submit to the authority of the House, which though it is a subject to the House, yet I do not know any damages are given here, otherwise than that the party injured is allowed, which is a relief, the election being what is complained of. And so the elector, because is allowed as good as if the committee had done it. And by the way, give me leave to observe how small a relief the new device amounts to, by damages, as I have often said and demonstrated, that the Plaintiff in the case in question, is about 100*l.* out of pocket, more than the costs and damages recovered, which I take to be unjust, because that if petitioners say the good elector could not express so much, I believe so too, but if in the expense of any great man, I think it has paid him, to make a relief that good fellow, perhaps in order to enlarge a jurisdiction — I would again I take the case of the elector to be much stronger than that of the elector, and yet, in such cases, which I am sure Law was always denied, as in the case of *Mr. Hambleton and Staines*, in which the Sheriff made a double return; and in the case of *Mr. Giddens*, a false return, and the petition injured

* The Case of *David Under*, esq. was tried at the Assizes holden for Surrey on Wednesday the 28th of July, 1681, at Kingston upon Thames, before the Lord Chief Justice of England, Sir Francis Pemberton.

The Denaration

David Under, esq. had bought his office as his Cor in the Court of Common Pleas, against *William Roper*, late Sheriff of the borough of *Hambleton*, thereby wrongfully, the *Hambleton* was an ancient borough

by those matters were put to very great changes, and kept long from their seats in the House,

might need to send burgesses to parliament, that a writ issued to the sheriff of Surrey, to cause knights and burgesses to be chosen for the parliament to be held the 17th of October, under the Great Seal. The sheriff made a precept at the borough of Westminster, to cause burgesses. Thus, August 31, Anne 2d Chancery sealed, the Plaintiff was duly elected one of the burgesses, and returned, by indenture, with Mr William Moore. Thus the Defendant, intending to deprive the Plaintiff of the honour and benefit of his election, did, by another indenture, return Mr William Moore, but not James Gresham, and so duly elected whereby the Plaintiff was hindered from sitting in parliament, and put to great charge to assert his right, to his damage of 1000^l.

After Mr Gresham pleaded, upon evidence given on both sides, at the trial, the Case appeared to be thus.

THE CASE AND EVIDENCE.

At the election in that borough for the last parliament at Westminster, there were four competitors, viz Mr Wm Moore, the Plaintiff, Mr Derington and Mr Gresham. The electors meeting and voting, the poll was demanded, granted, and taken. The Defendant took time to prepare and consider the poll until the afternoon; and having considered of it, came again to the place of election, and declared the Plaintiff and Mr William Moore had the majority of the ancient and lawful burgesses, and proclaimed those two to be duly elected, and wrote an indenture thereof accordingly; and Mr Gresham being then present, opposed not the same, but desired that Mr William Moore (with regard to his wife and quality) might be first named in the indenture, although he was then admitted. Mr Gresham had the majority of votes; which was done accordingly, Mr Gresham readily and generously consenting to the thing desired.

That about a week or a fortnight after, the writ was provided with its seal and return under another indenture, whereby Mr William Moore and Mr Gresham were returned as elected. Whereupon Mr Gresham's right to sit was interrupted, and he suspended from service; and was put to his Prisoner in the House of Commons, who, upon hearing of the whole matter, and consideration had of the indirect dealing of the Defendant and others, declared Mr Gresham duly elected, and nominated the Defendant; and Mr Gresham sat in the last parliament at Westminster for that borough, and that Mr Gresham had been at great charge to clear his election.—First, the Defendant's counsel insisted on the statute of 1 H. 3. c. 2. That a person elected must be free, return, and dwelling within the borough; to which it was answered, and resolved by the court, that little or no regard was to be had to that provision, inasmuch as the common practice of the kingdom had been,

and yet, as Common-Law could never change what The Judges were of opinion (as they

ever were, the contrary); and it was the way to fill the parliament house with men before the employment; and the objection was dissolved directly, it was agreed unto by the court, and by 1000^l granted on that side, that the right of choice of burgesses for this borough, parliament, lay in the burgess freeholders, and was, and subsisting within the borough, and some others.

Then the Plaintiff's counsel insisted and proved, that there were for him 12, having paid and acquiesced like votes, made one whereof the Defendant's counsel excepted, for that he, before the election, had mortgaged his estate, which the party himself, promised to cancel, and upon such; and the court was of opinion, it had not been a good objection, if true, seeing as the mortgage contained the provision, he had the benefit of redemption in law.

The Defendant's counsel said, there was for Mr Gresham 12, having good votes; which if so, would have made a majority; but the Plaintiff's counsel excepted to six of them, as being no good elections, for one of them not within the borough; which was proved, by ancient reputation and parish books, which house where he lived was left without the bounds. As for the other five, the objection was, they were no real burgess houses, and said, that two agreements had been made to them of burgess lands, they were duly made, and lawfully confirmed, to make some agreement to election; and because the Defendant's counsel could deny but those conveyances were truly made, the Court put the Defendant to produce and prove them, which was done, and upon reading of them, it appeared, two of the five were not after the test of the parliament writ, and one of them in order to carry on Mr Philip Roper election in the borough, about six years since. Two of them were conveyances by one V who had a garden about 20 rods, and came to each of his two sons a piece of it, containing about ten rods, of which they had made parties to their wives, each share being worth, at best, 20 per annum. Another of the five was made by the father, who had a close containing 100 acres, and made a conveyance to his son about a quarter of an acre, which share, though undivided, and was constantly called the Golden. Another conveyance was made in son-in-law to his father-in-law, of a house. The last conveyance was to one son, of a little tenement; but it was given collateral security given to reimburse, and the grantor had repaid. As to all five, appeared several badges of fraud, as a used possession in the grantor, &c. several contrivances of the parties and making them for the election.

The court criticised such proceedings and unfair, Mr W. (Recorder of G.) the Defendant's counsel, read up all these proceedings, and said, it was part

now not in the case of the electors; that it was a matter of parliamentary cognisance, of which

consideration of our government is to do so. At which the Court seemed very angry, and wondered that any one, especially a man of the great, should say so, and so. Do you think our government hath no better constitution? with which the parliament was being satisfied; he was told by the Court, he deserved to be taken notice of for saying so; and that he seemed to have offered to have the thing done.

To conclude the evidence, the Plaintiff's counsel delivered into Court two or twelve several circumstances, that were proved by the party to be true, and that, in fact, were made by Mr. G's order, to make so many votes at a free election, whereas Mr. G. had been a constable; and the election having over, they were recorded and delivered up; concerning which, Mr. G. had undertaken to say something by way of excuse, but was told by the Court, it was not to be excused; and it was well as not of general pardon had passed since this was done, else he should have answered it in another place. During the whole time of the trial, the cause was managed with great patience and circumspection; for, as soon as the cause was opened to the Plaintiff's Counsel, the Court perceiving the nature of it, commanded silence and attention to the jury. The Court declaring it was of great weight, as great as any that ever came there to be tried. And the evidence being fully given on both sides, the Court, by way of direction, told the Jury, that the Plaintiff need not, in this case, prove any conspiracy in the Defendants; for it shall be intended when a man shall do such an evil thing in this, contrary to his own knowledge and declaration made upon the election, and afterwards also, (for it was proved against him, by one or two witnesses, that a little time before the trial, he did confess Mr. G. had duly elected, and that he had told Mr. G. what would come of it.) And the Court further told the Jury, that this was a case of treason, and deserved more than ordinary consideration; and that the voting vote by such means was a very evil and unlawful thing, and tended to the destruction of the government, and detaching of parliaments. And although some of the circumstances were made some time before the election, to serve a turn at a former election; yet that they were fraudulent and void in their creation, and ought not to be made use of at any time against any other person; and that it was criminal to check such practices, and that part of the constitution of the government, and to charge that persons whom we cannot answer for, and that they ought to be made responsible by such and others; and that such persons deserve to be severely punished, and should the Jury to give equal damages. Whereupon the Jury withdrew, and after a short time, gave a Verdict for the Plaintiff, and the damages.

they were not competent judges. And should we now submit this matter to be determined by

having observed one Bingham to be much concerned in the proof and management of their fraudulent deeds, concerned him to be given to much of the previous discussions, and commanded him to stay in the court till the jury had given in their verdict. Which when they had done, the Court required him to stay to appear in the Court at King's Bench next Michaelmas-Term, to answer to an indictment touching the said misdemeanors; and on the same time to be of good behaviour, which accordingly he did do, and so William Moore, and so George Woodroff, whom he had served his election at Haverhill, were his associates. And the Court restored the Plaintiff, Mr. G. to see that an information be presented, which he promised to do. And the Court declared it was a very great offence, and should be severely punished.

I shall give a few instances of what the House of Commons have done, to former ages to punish and prevent such about Elections.

1. Anno 10 Jacob, doctor Harris, minister of Bockingbury in Surrey, for unlawfully himself by pretending, and otherwise, about elections of members of parliament, upon complaint, was called to be the bar of the House of Commons, and there as a delinquent, on his knees, but judgment so render his feet there, and so the country, is the subject of his parish church on Sunday before the session.

2. Anno 10 Jacob, Ingre, under-sheriff of Cambridgeshire, for refusing the poll, upon the promise of Mr. Thomas Seward to defend him therein, looking at the bar, received his judgment, to stand committed to the nearest at arms, and to make satisfaction at the bar, and acknowledge his offence there, and to make a further satisfaction, speedily at the quarter session, and there also to acknowledge his fault.

3. Anno 10 Jacob, the mayor of Amersham, for unlawfully himself as an elector, by putting the town to a great deal of charge, not giving a due and general warning, but picking a number of electors, was sent for by a warrant, and after, ordered to pay all the charges; and the House appointed certain persons to adjudge the charges.

4. And finally, 5 Car. 1. Sir William Wrey and others, depute sheriffs of Cornwall, for assuming to themselves a power to make whom they pleased Judges, and deferring their qualifications that do a man to be chosen, coming up and down the country letters, for the intent to appear at the day of election, and commanding the country, under the title of his majesty's pleasure, had judgment given upon them to be committed to the Tower. 9 To make a recognition of their offence at the bar of the House, upon their letters, which was done. 3 To make a recognition and submission at the same in Cornwall, to a form drawn by a committee. See this Case in a State pamphlet, printed 1681.

And the College in the records of the is clear,

the courts below, what great questions and consequences would follow? I presume no body will pretend to exclude the jurisdiction of the House of Commons, in this Case; and yet, if they judge not well, and the courts below interfere, and neither have power to supersede or reverse the determination of the other, neither either correspondence with the different all parties concerned but? Whereas, in other cases, where one court sees, a superior court reverses, but here, both adjunctions shall stand together, though inconsistent the one with the other.—But it is said, in this Case, the action lies, because the Defendant retained the Plaintiff's Vote, impleaded it false. I take these to be words of course, and no confessor of that is given to the jury,—but, to conclude, the House lately passed a Resolution, that no Lords should be punishable in any of our elections. But is this to be allowed as law, they may at the last, judge and make (for ought I know) all our elections. But for my part, I am for continuing the possession of this, and all our other just privileges, and ordered drawn to us from our predecessors, who ever enjoyed and exercised them as near we should; and I hope before we rise we shall think of some remedy, and not be wholly under the power or mercy of the Lords.

Mr. Thomas Paine. Mr. Freeman; I believe I should hardly have rise up in this matter, but that I think it more particularly my duty to speak in this thing, if it were possible, than any other. For in truth, I have had a more particular opportunity of knowing the nature of this case, and the proceedings in it, and what the consequences of it will be, than many others have had—I must repeat you I was of counsel in this cause, in the House of Peers, upon the Writ of Error with White, and the other countesses that were prosecuted in this action, and did to my power defend what I took to be the rights and privileges of this house—I would stand right in the opinion of every body; for what I did there for my client, in the course of my profession, I do not think myself obliged to maintain here—for then it was my duty to do my best for him as his counsel, but now he hath done with us, and I have done with him, in this place.—It hath been to the great honour of some Judges in Westminster-Hall, who have argued in cases below, at the law, and have been brought to the Bench before the cause hath been determined, that they have argued at the law one way, and when upon the Bench, have given Judgment another way, against their very clients, and thereby have done their duty in both places.—Now, when I have said this, I hope I do stand far and clear, that I do now speak as a member of the House of Commons.—You are upon a point which I wish had never happened, for there is nothing I come upon with greater reluctance than what looks like a dispute with the other House, for no man pays a greater honour to the House of Peers, and in every peer there, than I do; however, so I am main-

tained, I shall endeavour to maintain the rights of this House. And I do say, if the Peers of England can determine all our questions in law, upon Writs of Error, and all our rights in equity upon Appeals; and if they can determine our elections in consequence of the action, as I am of opinion they may, if the action prevail, they have a greater power than ever that House had in the day of their sole authority, when they were in the greatest grandeur. I will show what will be the consequence, and I think it very fit for you to take this matter into consideration, if there be any way to come at it. First, I must state but, generally speaking, it may happen to bring his action at law; but then I say, though a member hath a right to bring an action, yet he cannot bring it in derogation to any other man's privilege, for if a member of the House be sued in case of privilege, though persons have a right to such actions, yet he may not prosecute it on behalf of the privilege such persons, much less can a man prosecute an action on behalf of the privilege of this House. And suppose that should come before the Law in question, by Writ of Error, and they should have possession of the cause, were every determination of the Lords, upon a Writ of Error, a law without more able to be confined to the Commons in their rights and privileges, so as that they may not take an action, and concerned if all their privileges are thereby to be taken from them. Suppose any member dies House, (as I think by the privilege of this House he may,) should, in this House, be just occasion to take notice of some great maintenance in any great officer of the crown, and should some matters high intruding on the honour of a peer of England, and suppose, when the parliament was up, the peer should bring his petition mandamus against the member, at law, for words that he had spoken here, by these speeches there were, there is a maintenance he may, and he should justly demand to speak in the House of Commons, and by the privileges of the House, freedom of speech is allowed; and suppose Judgment should be, as is that it was, should be against the plaintiff, and afterwards that Writ of Error, should be brought before the Peers, and they should reverse the verdict, and give Judgment for the Plaintiff; any thing be more derogatory to the authority of parliament, or such a case as this happen? And must the Commons be satisfied in doing a violence?—Suppose any man presents in some any matter as he was into the House of Commons, say, the Speaker, and afterwards he is removed out of the House, and the person concerned should bring his action for taking him out of the House, and the person who took him out of the House should plead that matter, and they give Judgment for him, as they did for the defendant in this Case, and Justice of Law being brought into the House of Peers, and

should reverse that Judgment, and give the Plaintiff his damages; and any one says, we could not take notice of that? Would it not destroy all our rights and privileges? So no doubt in this Case, though they have gone by way of action at law, and Judgment in Westminster-Hall, and Writ of Error in the House of Lords, a double trial, but the fundamental right, wrong, &c. is not lost. In the Case of Mr John Ashby, Esq. the Commons declared the Judgment, & Cap. L. illegal, and against the privilege of parliament; and in my poor opinion, it is our right (and I think no body can doubt it) for we are in possession of it, to determine our own elections; and I would be glad to be acquainted when first we began to lose ourselves among our own elections. I believe nobody writes with certainty when we did not.—I know we have a turbulent nation, who generally affected to be in the wrong, and, though a member of the House, made it his business to wrangle with these privileges, and was always bringing among the records of the Tower, from whence he brought away a great deal of dirt with him, and yet could never produce or produce more than two instances, where the Commons asserted in any other place for the saving the right of their elections. The man I mean, is Mr Pym; he takes occasion to do it from what is said by my Lord Chief Justice Coke, viz. with your leave, I must make notice to you, as to say he must not only a very great man in our profession, but had been Speaker of the House of Commons in his time; and he, in his 2 Inst. fol. 118. and 4 Inst. 3 cap. 10, 12, and 23, asserts, 'That the law of parliament is as much part of the law of the kingdom, as any other, and indeed the highest; he calls it' Law of common-wealth-parliament; and says, that is the law that each House hath possession of, and judgeth by, and each House is a House of Judicature; and he puts upon this a great many instances, and ends in these very words: strength in their resolution was upon the Commons of law. He tells you of a case 8 Hen. (at that time Oliver was Speaker, and it is in Ed. 12, of the Book of the House of Commons at this year) our King was retained a prisoner for Westbury, and it being complained at that he came into the House by undue process, it was assigned into by the House of Commons, and found that he had given four pounds to the Mayor of Westbury, and they having a new and good law the matter, did not only release Long, but they taxed and imprisoned the Mayor of Westbury, 'Seditionem Legum in Comitatibus' &c. Parliament. Mr. Pym, the man who I mentioned, approaches there was a time when the Commons used to apply to the King, to cause things were done in the matter of their elections; and in his comment on the 4 Hen. 22, goes back to the 12 Ed. 2, where the King was placed by constitution to appoint several persons to hear the matter of an election. He pretends too, another instance, and that is, in Henry the 6th's time, in the case of Hatching-

ton; and there was a Petition to, and a Commission from the King in like manner. The intent of these instances is above with your leave, and neither of them make any thing for or power in the Lords to determine the elections of the Commons; but, on the contrary, rather for a power to be delegated by the King; and the instance are not two.—Now, I say, says we are, and have been in possession of this right for a very great length of time, and have it confirmed to us by act of parliament; and the law is at 7 and 8 of King Richard, being in effect, declared, that the determination of the Right of the electors is in the House of Commons; for it says, That the electors and electors of all sorts, shall follow the last determination of the House of Commons, as they rule and guide in such cases. And surely nothing is more absurd, than to say that House shall examine, try, and determine who are elected; and yet Westminster-Hall, and the Lords shall examine and determine the right of the electors. How can any one examine the election, but the first step he takes must be to consider and determine who are the electors? And the determining the one, is determining the other.—I would trouble you a little with the Reasons they give why this action should be. It hath been said, and I think it is true, for the Honour of England, and I believe it hardly can be found in; but, that where a man hath a right, and a wrong that him, he is somewhere to have a remedy, but now let us see the application of the rule. Are they not by the same law that settles the right, and declares the wrong, to enquire where the remedy is to be had? For, though you have a remedy, you mistake that which is the proper remedy; and the same law that settles the right, and declares the wrong, gives the remedy; you must therefore go to the place where the law shows, for your remedy, not where yourself would direct the remedy. 'Therefore' says my Lord Coke, in his Preface to his 4 Inst. and likewise fol. 14, and 15, 'we have several jurisdictions, some ecclesiastical, some temporal, for some governed by our law, and some by another, and all must have their rules and bounds, which we must observe.' If your right be ecclesiastical, as the instance, before the bench of Bishops, could you in Westminster Hall have brought your action? Or if your had been joined in such an action, and the parties had gone to trial, will any body say but that the Judges must have reversed judgment, and said that it was out of their jurisdiction? If a lord of a manor should refuse to admit a man, to whom a surrender is made of a copyhold estate, the lord has done him wrong, and damage too, but yet he cannot bring his action at law for it, for it is an ecclesiastical right, and he must go to a court of equity for his remedy; and so I could put a thousand instances, but I will not spend your time. So that Long, it is not enough to say you have a right, and must have a remedy, and therefore you may bring your action at

the common law, but you must seek it in a proper place, through parliaments and decisions, and a trial by a jury, may be more desirable to the party.—Now, in this Case I would know, whether this is not a matter of parliamentary jurisdiction, and also a parliamentary right? In any thing more phant' like that business, namely, to elect or to send a person to represent him and sit in parliament; therefore it is a parliamentary right, where then must be your remedy? In the House of Commons, where you have a right to send a person in it, and represent you, there you are complete, I was elected my vote, or assigned upon the election. If a, by the law of parliament, will be returned here, and in that purpose you constantly assume a sending comes out of election. Indeed I cannot but wonder at the managing of this now-suspended action, for if there be any thing certain in the common law, it is this, that where you claim a right to any thing, it must be founded upon common usage in that case, or in some case that carries the same reason, and is just like it, for the common law, generally speaking, is nothing else but common usage. Now let us see by the usage in this case, and whether there has been any thing like this action before. Say they, how do you know but such actions have been brought before? I do not see that there can be a stronger negative proof in any other case than in this; for we have had parliaments, as appears by our statutes in print, for 500 years, and we have had parliaments in every reign since, and in several reigns a great many parliaments; and let us consider, whether this case would not have happened frequently in 500 years, in so many elections in counties, boroughs, and cities, where there are such an infinite number of electors? And therefore this case must frequently have happened if such an action lay at law. If it be asked, how do I know that such an action had not been brought before, I answer, it is wonderfully plain there never was such an action brought before; for as we know our acts of parliament in print, so we have faithful Reports of all our Law-Cases, which we call the Year-Books, and which are voluminous of all cases as long back as from Ed. 1's time, that is 600 years, followed by a series of Reports till the time, and are now grown so numerous, that they become a burden; and I will desire any gentleman of the law here, or in England, to show me the foretops of any such act or case, or of that kind till now, ever brought before. We have always said, our forefathers were wiser men, and greater lawyers than we are; and so they were, but such an action as this never entered their thoughts.—But it may be said, how does it appear that there was occasion for these kind of actions formerly, for men heretofore were unwilling to serve in parliament, they were hard, and almost proof to it, and it was hard to get men to stand up P.R. chosen, it was as far otherwise for many years past, that so early

as Henry 8's time, there were great contentions about elections, and the sheriffs in those days were apt to do wrong, as appears by 2 H. 4, cap. 15. And therefore 11 H. 4, cap. 5, they was imposed 100*l* penalty to the king, on the sheriff that did not do his duty, according to the statute then directed, so that it does appear that was the reason for their actions, if any had been by law; and yet you will find the answer, till 25 H. 8, and it seems now the thought of any man, that an action at common law could be brought for an injury in an election; and therefore that actioners, that there was not before that time, a sufficient remedy for the party grieved, and therefore gave out the party, and said, it is a knight, and 40*l* of a citizen or burgess, and that by a law made in purpose to help the party in an action, when there was no such remedy before. This covered all the business Case between Scroth and Stride, in 2 H. 1, fol. 108, in that was they sent two Lawyers of the shore out of Bedlam. He Scroth brought his action against Stride the sheriff, and he alleged that he being one of the five chosen for that county, Stride had maliciously and unlawfully refused to return him, &c. and the jury gave him 1,000*l* damages. This action made a great noise, and the Judge looked upon it as a great novelty, and the fit to consult the parliament in former days, (a statute relating to the parliament,) and the

+ Sir Humphrey Mackworth, in his Violation of the Fundamental Right of the Commons of England, p. 87, saith, In the Case Scroth and Stride, a. n. 1008, is an action in the case, against the sheriff for a false return to the damage of 1,000*l* when a Verdict for the Plaintiff and 1,500*l* Damages, the Court of the King's Bench adjourned the case into parliament, proper adjournment, whether the action did lie or not? Where it is to be observed, that it was not adjourned into the House of Peers, but into the House of Commons, as the only proper judges, in all cases that nature concerning elections; as were they of the House of Commons, it let out the inquiry of those times of it, how be objected to the strange; the Answer from thence extremely confirms the Rights of the Commons; for it is to be considered Cromwell had then created a new kind of Lords, and wanted nothing but a House of Commons to establish his usurpation, for this purpose he had formed a new model House of Commons, and overruled the method of elections, depriving all the of their rights, and making the elections of members to be made by the rest the name of a House of Commons; and even that was so managed those days, that none would attempt to stir of their assumed pretence, of p. elections: no influence could have the they thought it an impossible, that they not pretence to accommodate it.

Judges therefore, when they were asked their opinion in debates relating to the parliament, would say, that it above us, and therefore to be decided by parliament. And this case being referred to the parliament, they looked upon it as an extraordinary one, and, that through Mr. Fox I had a verdict for £5,000. Damages, yet he never got a farthing of the money, or any benefit by the verdict. And he damper—After this, came the great Cause, that hath been mentioned of *Stewart and Barnardiston*; and certainly the damages very much are considered, and how far the determination of the House of Peers ought to be a rule in this very case. It is a case not worth much great prospect of success; yet Samuel Barnardiston, in that case, did not slight the determination of the House of Commons, but has petitioned the House in the proper place to determine his right, and had it decided for him, that he was the person duly elected, and the other return was taken out of the file, and then he brought his action at common law, and so hath this whole matter, and that the sheriff fully and adequately recovered another with him, whether he was kept out of his right, for a long time, and put to very great expense and cost. This case to be tried at the bar of the King's-bench, and there was a verdict given for Mr Samuel Barnardiston for £1000. This was looked upon as a great case, and my lord chief justice Hale had all persons about him take notice, that they did not determine the right of the electors, for the judgment in that case belonged to the parliament; but well, since the House of Commons had determined the right, he thought they might follow their judgment in repair him a damage, and so gave judgment for the damages the jury had given the plaintiff—This Case was looked upon as an improper for the common law, that upon a *Writ of Error* brought into the Exchequer-Chamber, that Judgment was reversed, because the common law could not say any unlawfully with elections in parliament, farther than was directed by act of parliament. It might have been said, and I know it was said, that the reversal of this Judgment was by an extraordinary high court, and therefore upon the Revolution, is the very beginning of King William's reign, or Samuel Barnardiston brought a *Writ of Error* in parliament, complaining that in the Exchequer-Chamber, they had reversed that Judgment unjustly, and went upon these Reasons, as may be observed from the Journal of the House of Lords, which were the reasons of some very long-petitioning Lords. I Remember it was a saying of Samuel Barnardiston the benefit of the law, which gives relief to all wrongs and injuries; and is a very great damage to the plaintiff, and therefore he ought to be repaired. They say, it is should be altered that sheriff and bailiffs may make false returns, and so remedy him a false forfeiture, it would be of dangerous consequence, and might lead to the picking off a House of Commons, which

may overturn the whole constitution. But the Peers then did not think that it was sufficient for the new action at common law, and accordingly the House of Peers affirmed the Judgment of reversal in the Exchequer-Chamber, and said, the Judgment was well reversed, for that no such action can lie at the common-law, though the injury done did lead to the plaintiff's damage, and all other mischiefs which are now suggested, were intended on, and that it stands in the way. And yet now it stands upon the same reason, the action does lie for that reason, though he be only an elector, and must receive much less damage than the person elected, and there is no one reason for the elector, but holds more strongly for the elected. The elected cannot maintain an action, and yet now it is clear that one of the electors may, though he can have no substantial damage, for if a man swears and gives his vote, (as here in this case) it is not in the power of the officer to hinder him of the benefit of it, for his vote will be as well given as if the officer had got it down, and that with respect both to the person who gave the vote, and him for whom he voted, and as really it is no substantial damage to any man.—The next thing I shall mention to you, is another case of Mr. Oswald. He brought his action against the sheriff at Sarum for making such a return upon him, (I believe I have the gentleman in my eye who he says that return) he declared in the same manner, that it was done falsely and maliciously, and had a trial and a verdict, and yet notwithstanding the court of common pleas, (being guided by Mr Samuel Barnardiston's Case) did unanimously, 25 Car. 2. 1611, we must not presume to determine the merits of elections, or returns, there is a proper prohibition for it; and they give Judgment against the return, and I think he hath acquired in it a new word. I am sure I have heard no more of it; the Reason given by the court, appear in the Report of the Case in 3 Levins, fol. 98, and 103, and are worth the reading.—There was a Case a year ago between *Protherus* and *Morris*, in the county of Cornwall. Mr. Denford was returned, and Mr Protherus brought an action at the common pleas, in the time of King William, against the Sheriff, for making a false return against him to his great damage, and lost it with all aggravation. This went on trial in Common-Law, and there were several verdicts found, and the question was, whether this action would lie before the Common-law determined the right of elections? And the whole court unanimously gave Judgment, that the action could not be brought, all the matter had been first brought before the House of Commons, and they had determined the right.—Now there is a total silence in all books of the law, that say such actions as these doth lie: here are the acts of H. 8. and King William, which provide remedies at law, because there was another provision before. Here are not only three solemn Judgments in Westminster

yes-Hall, but the Judgment of the House of Peers, is the case more like to this of any that can be thought of, that no such action shall lay; and yet I cannot tell how, there are, already, persons that endeavour to run upon the house of Commons, and swear them all out of court, and are told so for their cause, which seems to be set on foot, a undermine all our elections, and bring them to us their jurisdiction.—Now you the speaker as man ought to have a shield against him, your Judgment of what is a true speaker; and who may punish him at the same time for doing a thing, and the other for not doing it. I believe such proceedings would be looked upon as barbarous even in Turkey; and yet that will be just our case: a gentleman petitions the House of Commons, and says, the right is in such a set, or sort of man, as for example, in all the freedom, or free baptisms, and that, according to that way of election, he was chosen, and not the person that is returned: and this is determined by the constitution of elections, and afterwards by the House agreed in that petitioned. This man goes immediately and brings an action at Westminster-Hall against the officer that returned the other, says, every one of those persons that he offered the right of election to be in, being their actions, and it comes into Westminster-Hall to be tried, and the jury find the right to be in those men, as he has alleged, contrary to the determination of the House of Commons, and judgment is given against the return in everyone of those actions for the man you have determined the right not to have. You cannot set one of these judgments against the other; I cannot defend myself in Westminster-Hall, by saying, the House of Commons have determined that those men, who we are, have no right to vote. That is nothing like this in the world, two independent Courts cannot control one another, but both may go on together in the same cause; and both having a right to judge, one judges one way, and the other in the other, and the officer is divided between them.—Let it be considered again, that at this rate none but knaves, or beggars, will be rogues, or bachelors in an election-year. For suppose us at Westminster, where I think there are ten thousand electors: Or suppose it be as in some towns near Wales, for one of which I know the house to arise, where the desired vote of every burgess there is thirty in vote, and by consequence they will bring in as thousands: will all the votes of Adam for all the sons, and all the daughters' husbands, and all their descendants drive a right to vote. No: what a terrible case must that officer be in, when persons shall come from east, west, north and south, and say their pedigree is so and so, till they are tired at pedigrees in those countries; yes, what a confusion is he in? he is bound in if terrible whether they have a vote or not; and though he is no lawyer, or herald, yet however he is bound to give judgment one way or another in the peril of an action: And suppose but a hundred men should bring their

actions against the officer, what man can stand, hundred actions, though he be in the right. There are not only these difficulties in the case, but there is revenge: and in popular elections there are those boxes, and the voters agree with that animosity, that the longer vote any day will be ready, perhaps only for revenge, to spoil for a multitude of votes, and have the pleasure of seeing the officer who was against them, though he was in the right; he may not have a right to bring his action: whose vote was destroyed, though it should be found that he had no right.—As to the words false of making void in this declaration, which seem to be a great argument in this action, I agree, in some cases where there is a perjury, there those words may make a great aggravation of the offence; but they cannot make a thing unlawful that is lawful, nor give a jurisdiction where there was none before. For no man will say, if a person should bring an action at common-law for a legacy, and alledge, that the executor, though he had sufficient assets, yet he failed at making, refused to pay it; that would give a jurisdiction to the courts of common-law. These words are words of ceremony, words of course for the most part. Besides, how dangerous and hazardous would it be for an officer, though even so innocents, to depend upon this words; when every body knows that false and untrue vote is the crime, they are in the confusion, and the jury that are to try the case, are at liberty to judge with what mind they did vote; that would be the hardest thing in the world for an officer to challenge in every action. It would be enough for the jury to pronounce it was done maliciously, having no money, or badly, but have their consciences, and give their votes themselves for their friends, because the officer made an error for the other side; and the consequence of this unrevoked action, if countenanced, will be, the every integral parliament will bring a terrible harvest to Westminster-hall. I speak against my own private interest, if that was to be considered. Doctors, without action, keep in chambers too long, so that they are hardly looked on these years time, but these actions will help to vex and worry corporations for three years to three years; and many of bachelors will be the most miserable men in the Kingdom, and ought to see their country rid of such a bad and popular election: whereas an officer is accountable to you for his fault in the election.—This is not a case or that is in need of the aid and assistance of Westminster hall, that they should exert a new law and remedy, so if there was a better justice. But why are come with a commission any officer in this House, and they not have willing to hear it? Have not the members a right to hear and report matters respect to the election, as well as to the officer? And have not we known that the officer though but a small number of them (as in case of this long vote of Aylesbury) for, I think, of the electors came and

planned, and their complaints were fully heard. And if any single elector should come with a petition and represent that he was abused by an officer, or ill-treated by any mayor, or bailiff, or the electors, I do not think but the House would be ready to do him justice. And then have a right to do so, for the officer is accountable to them for all his actions. It is not true only as pointed, but always was so, for in the same manner of my lord Coke's old case. But all he says, that they will make him change his very return, they will make him raise out the name of war, and put in the name of the officer: but that they have a jurisdiction adequate to this case; and surely if they can have the complaint of several electors, they can hear the complaint of any one elector. I would not trouble you with arguments that may be proper in Westminster-hall, because we are here upon matter of our constitution; but I know no reason more abundant in the true reason of the constitution, which shows multiplicity of actions, and a case shall never have a particular action, for that which naturally draws an multiplicity of actions, and may be redressed in a more commodious manner. Upon this reason that *Harvey Case* in 3 Reg. called *Belsham's Case*, is founded. If man builds a river house near a common field, where men make all their profits by plowing and tillage, and therein keeps a great number of pigeons that live upon his neighbours' crops, is not this a great wrong, and injury to them? And yet an action lies: but, if any man that is wronged thus may bring his action, a great many more may do the like, and so there will be infinite actions; therefore it shall be presented to the Court-Lord, as that book says. So there is that *Case of Williams* in the same book, where the lord of a manor builds chapel for himself and his tenants in repair to, and to bear divine service, within the parish of Ashbury: he brought his action against the vicar, who was obliged to officiate, for that he had expelled him, though he had used more out of malice to offend, and had an allowance for it, says the Case, if the action should be allowed, all the tithes and services of the Lord might lose the like action, and so there would be a multiplicity of actions, and therefore he shall not have this action; but, if a had been to have been performed in his own private house or chapel, he then might have had an action. But more is would draw on a great many actions, which may raise any man, therefore the remedy must be taken in such manner as is given here: there is public offence in the case, before us, every person is chosen for the public, for though he be chosen for a particular place, he serves for the whole kingdom, and for that reason is to shall not proceed by way of action, but in such manner as it hath been always used, where the whole thing shall be examined at once, and all determined upon one Prince, whereas all the parties injured are present, instead of a multiplicity of actions—I shall not propose to say any thing, but hope you will at least come to some determination

that may assert our right in this point; that the door may not be open to bring a new jurisdiction, to determine and determine whether any of us are abused rightfully or not.—It hath standing order of the House, that no peer hath a vote in the election of a commoner; but in the next election, is then he allowed, every peer may vote, in they are freeholders, and many of them burgesses and members of corporations, and then too, all come and show their names, and if refused, bring their actions. These and many more instances might be obvious, if the action should be allowed, and I believe it may have a great effect upon our constitution. Very much more might not be said, but I have talked up too much time already."

Mr John Hauke (Speaker-General, temp. Will 2.) "Mr Freeman, we are jealous of our privileges, and I think we have just reason so to be; but we must take care that that does not carry us too far out of the way. I would not have it taken for granted, that whatever is used against the Lords here, tends to assert the privileges of this House, or that what passed in the Lords here, is against this House. I am as much for the privileges of the Commons of England as any man, and I own they have but a great deal of power. I think the Commons had a great power, when the greatest part of the judicature of this government was their sole right. Nay, if a peer had had a matter of contract with another peer, or with a commoner, and none was joined, that case was to be tried by commoners, and not by peers. It is true, if the prosecution of a peer was in a capital matter at the king's suit, it was to be tried part by commoners and part by peers; the trial of Indiscretion was to be found by commoners, but the issue was to be tried by peers; but if a peer was prosecuted in a capital matter by a commoner, or peer, or by an appeal, the issue was to be tried by commoners. I must confess, as to the Lords jurisdiction in matters of equity, the Commons have great reason to be jealous, because, there, all facts, as well as law and equity, come to be tried and judged by the Lords alone.—For, I own, when all facts were tried, and most of the officers of government were chosen by the freeholders of the county, the Commons were somewhat greater than now they are; when they had the election of the sheriffs of the counties; when they had the election of what they called conservators of the peace, officers that were the same with our now justices of the peace, with this difference only, that the Commons made, these the crown makes. The Commons had a great power when they were in effect their own government; but they led them out to war, which heretofore they did, and had a right to do till it was taken away from them by the act that makes the militia, though I own it was drawn many years before. The making of sheriffs is now placed in the crown: we have nothing left now, but members of the militia in particular towns, and even that is so far cramped, that the jury is returned

by an officer that the crown puts upon the clergy.—But yet I am not for hurrying them farther than we have a right to do; I am for keeping what we have, and for that reason I am not for encroaching upon the alleged jurisdiction of the House of Lords: we have always allowed them a right to hold pleas of a Writ of Error. The parliament sitting with a crew, did declare the right of Jurisdiction to be in the House of Peers; and I never found any intimation in it, if the Peers kept only to matters of law, and left the facts to be tried by the Commons; nor did I ever know that right at the Lords questioned till now. A great deal hath been said for, and against the right of bringing this action; I do not think that this is now the question: the question is, Whether a Judgment being given in the King's Bench, a Writ of Error does not lie in the House of Lords? But whether the Lords did right, in giving that judgment they have now given in the case before you, that is another thing. I speak in the right of holding pleas at the particular Writ of Error; no body hath denied but that they have a right to hold pleas of a Writ of Error in general, upon a judgment given in Westminster-hall; but, say they, the Lords ought not to have done it in this particular case; and several reasons have been given for it.—First, Here is the privilege of the House of Commons in question in the case: That hath been argued and contested on, but I confess, that argument does not influence me. The Lords have held pleas of a Writ of Error, in which the privilege of the Commons hath been in question, and the Lords have done right in the Commons in it, particularly in that matter of the parliament of 1640, when some were supposed to have done irregular things in the House of Commons, and were prosecuted for it by information in the King's Bench, and were tried in King Charles's time; whereas a Writ of Error was brought in the House of Lords, and that judgment reversed in the time of King Charles II. The Lords did right in the Commons in the matter of privileges of the Commons, for it was for laying hands upon the Speaker in the House; and I think every body understood what was done in that matter by the House of Lords, and no body ever said but that they had a right to do. Some things are not to be come at otherwise, than by a Writ of Error in the House of Lords; and I believe if you look a little back, there have been Judgments given in Westminster-hall, not only in matters of law, but against the privilege of the Commons; and those Judgments stand unreversed, though I think they are fit to be reversed, and I know no other method to do it but by Writ of Error in the House of Lords. I think there is one Judgment upon an information against the Speaker, for bringing papers to be printed, which he did by order of the House.—Here is another instance of a person taken into custody by order of this House: a writ of Habeas Corpus issued of this House: The party brought his action; the ser-

jeant pleaded his warrant, that it was done by order of the House of Commons, and Judgment was given against him, and the Judgment stands unreversed. Now what method have you to reverse these Judgments, but by Writ of Error? If you think to do it by a bill in the House, that must likewise pass the House of Peers, and so will be the same thing as a Writ of Error.—Another thing is said, that the person was not damaged, or if he was, there is such a number of persons who were that he was damaged, that may bring their action; that no body will execute such an office, that that argument ought not to prevail, is at that rate you will allow the officer not only to be a judge, but the response judge, and parties damaged shall be without relief; is may do what he pleases, and he shall never be questioned afterwards, save in the House, which I will remember to deal by. It is saying you may punish an officer that misbehaves himself in matters of elections, and that practiced more very much; but at that time you punish the officers, the person damaged hath no satisfaction, though our law is not-*est*, in cases where he that did the wrong shall not be punished, and afterwards satisfaction in all cases where a person is punishable, if another hath received a particular injury. A man is liable to be fined to twelve or twenty, that is a punishment, but if he pays so much to the party damaged, that is satisfaction. If a man's horse breaks his neck and is killed, he shall not be punished, but the person damaged shall have satisfaction; but the man you allow the officer shall be punished, but you will not allow the man injured any satisfaction for the damage he received, who cannot be supported by reason, or by the authority of any particular case. Is it possible it is to be true, where a man is punished for doing another damage, the person damaged shall have satisfaction. But that rule does it hold true in the contrary.—It is said that a great many persons concerned, and if you give every one an action, there will have of these actions, and therefore none shall get an action. This is a strange argument. If one injures one, or two persons, each shall have an action for their respective damage; but if he injures an hundred, none of them shall have an action, as if when a moderately injurious, he shall make satisfaction; but if he is extravagantly injurious, he shall be punished, and make satisfaction. This must be to make good order by authority, which hath no force.—The case cited, I own, is true; but yet make it with that difference, if any man does which might have been of an hundred people, but none of them shall bring their action, though the first shall be punished; but where there is greater damage done to any person, it will be for the satisfaction of that. If a man digs a pit, and many may fall into it, no person shall bring an action for that;

any person shall fall into it, and both particular damage by it, he shall bring an action and take satisfaction. And such satisfaction, that argument will now lead, that because a person might be vexed, if he be obliged to make a satisfaction for the wrong he hath done, therefore he shall not make satisfaction to any particular person he hath damaged.—It hath been said, admitting it to be so, that the party ought to have satisfaction, yet he ought to take his remedy in a proper court, as if a legacy was given, an action would not lie in the Queen's bench for it, which is true. But it would have been well if that gentleman had told us, which was the proper court to give satisfaction, for the wrong supposed to have been done in this case, if the Queen's bench be not the proper court, what court is? It is said the House of Commons is a court, I was always of opinion it was so. It is a Court of Judicature, my lord Coke says, and a Court of Record. I wonder, when all this is allowed, it should be said that must lack not a power to administer an oath to a witness, I think that was never denied to any other court whatsoever. Every Court of Record has power to administer an oath; but though this be a Court of Record, this court, it hath not that power. It would have been very well if those, who are against this action, could show us that there is a court that can give satisfaction, some courts can punish, but cannot give satisfaction, whereof I think this one, satisfaction was never given here that I know of, was it not? or pretended to be had here? In the first instance, it is true, the House hath punished, and by such punishment compelled the delinquents to make satisfaction to a person, by restoring, or restoring such satisfaction; but that is not the case before us.—It hath been said there has been an instance of this kind of action brought; and that the court of Queen's bench have declared they have nothing to do with the business of elections, for that the right of elections ought to be determined here, and for that purpose the declaration of the Lord Chief Justice Hale, in the case of *Barnardiston* and *bonno*, has been cited. I was verily I cannot but wonder at this case; we did hardly think that the Judges were given to the King's bench in that case, was rightly given, and afterwards, when it was removed, people were called in at the removal of it, and were thus that Judgment of several times to be affirmed on the House of Lords. Nobody hath ever said why that judgment was reversed, I do not see but, on the same reason, several judgments within these few years, say, *whereas* the right, may be reversed likewise. In the case of *King's bench*, in the first case, did they pretend to a jurisdiction of determining the right of elections, the answer is that case had been determined before in the House; but they only gave damages for the wrong sustained, and was all the court did in that case, and yet that Judgment was reversed. I believe there hath been some difference respecting the *House*, within these twelve months, that when the

House hath determined the right of elections disputed, should be allowed to maintain an action at law for his damages.—But I take it there is a difference between the case of *Barnardiston* and *bonno*, and the present case. There was, when it was decided, when a man was elected and the other refused to receive him, whether the person elected was admitted or not. It is very certain, however persons were not so cautious of voting in that House as now they are; and some persons purchased charters of exemption, so he escaped voting in the House. And so it had been practiced in the House of Lords. The act that hath been mentioned before expressly obligeth, that the person chosen shall come and be present in parliament. And afterwards there was a penalty put upon such as were chosen, if they did not appear here; to which another punishment was added, which was, that the person elected, if he did not come himself, should lose his wages. It cannot reckoned a damage that any person was not returned a burgess in an house, but a hardship; but that did not hold in the case of an elector. Every body agrees, as the electors had a right to choose, so there was no statute to compel them so to do; but they looked upon it not only as their right, but their interest, to be present at the elections. And some saying that it is a man's interest, to make choice of such a person to serve in parliament, (who hath the power over his estate, and his life for ought I know,) as he could trust. No body ever doubted that a person who had a right to vote, had an interest, and might be damaged if his vote was refused. So that none of the cases that have been put of the right of the person elected to serve in parliament, as knight of the shire, or as burgess, come up to the case in question.—I would say one thing as to the determination of the persons elected; there is a law set that gives double damages where the return is contrary to the last determination. Now, I do take it, that we suppose that a man might have been damaged before; and if he was damaged before, he was so by the common law, some statute gives him no damages. It is true, that statute gives double damages, but still that statute supposes there was a damage before, and looks upon that foundation, as that with satisfaction, that very statute runs against all the cases that have been put as to the persons elected.—It is said, at that rate, the Lords may come to vote in elections. I am of opinion the Lords have no right to vote in elections; a knight of a shire is a burgess, and the crown lies upon us that, every person who had a right to vote, ought to have contributed to the expenses of his elect was elected; if he was a knight, he was an elector for the county, if a burgess, for the borough, and the expenses of the knight of the shire were to be levied of all the freeholders, and the expenses of the burgess upon all that were resident in the borough. That the Lords were

excused from that claim, they were not to be questioned in the appointment of a knight of the shire, or burgess, or knight; they were of another house. There was a bill made which says, that for lands purchased by any Lords, such lands should continue chargeable to the payment of knight of the shire, as they were before such purchase, so that it is plain before that act, the lands the Lords were seized of or purchased, were excused from the charge.

—But, Sir, I think the matter is not in the case in question. This is nothing but a collateral action for damages, whereof the consequence is not much, not above five pounds: though I acknowledge the weakness of the case does not influence this case. Nor is the question, whether the Lords have done right or not, in reversing the Judgment given in the Queen's Bench: "damages not given." If they have a jurisdiction, or cannot justify themselves; though there of opinion they have done right: I think the plaintiff in this case was defeated, and the court of Queen's Bench ought to have given Judgment against those who did him the injury, for the damage he sustained, and the Lords have done right in reversing that Judgment, and in giving such as the court of Queen's Bench ought to have given."

Sir Edward Bouverie: "Sir, it is enough for me that we have the law on our side, and we are very much obliged to the pains and understanding of those learned gentlemen that opened this debate, in presenting us with a new view of our distress, it only remains over for your wisdom to apply a remedy. And I cannot but take notice, that this is no action without any precedent to warrant the proceeding; and I believe it might have remained unsaid, (had the learned doctors in law enough in the cabinet of Dylestrey, not had he gone enough) if a Lord had not acted that part.—For my part, Sir, I do not think, due to be the single instance of the House of Lords, we have reason to complain of: I think in a great measure, by these proceedings, they seem to hold forth, that the law is laid on the side, and that they have a dislike of the House of Commons, and endeavour to get rid of them. I shall not instance in particulars, but I hope there is one you will not let go, without applying some remedy to, and that is, that noble Representation in which they have added to us in the highest degree, and by all the means of the last reign, and this, at your door. I could show you, there is nothing in it but stuff, popish (I believe), and we see the consequence of it, and what pains and resources they have taken, even to disguise it all over the world, to make imposture upon the people. But that which I would have more resort to, is this, that these worthy persons that have spoken before, though they have truly represented the state of our condition, yet they have been very ready to apply a remedy.—It does, I think, con-

sist of two parts, one is what relates to the inferior courts, the other to the Judgment of the House of Lords upon the Writ of Error. Now there is a right in having a Writ of Error, the learned object, but I would take away the boundaries, and make the declaration.—That no inferior court before should pretence to interfere with the decision of the House of Commons, and I am very sure there will be no foundation for a Writ of Error. In the next step, with relation to the Judges as given in the House of Lords, it is true, the Lords make great complaint, that the masters of such cases we have submitted, with of advising and consulting with them. I will not say now for it is justified by their proceedings, I could not remind you of the Address they made nothing you, when you addressed against my Lord Chancellor, before you had presented your Address, they presented a Counter-Address to you. But I like the direction to be taken, it is one thing a matter of state, and another thing when the matter depends between the two Houses: where it is a matter of state, with relation to the queen's prerogatives being violated and encroached, so you see her great council, you are to advise the queen in that matter, and not let any thing of them head pass upon her.—But however I would go the regular way, by considering the Judgment, in relation to the House of Lords; and, after you have such that consideration, I would apply to the House of Lords, to see if they would recede from the Judgment of theirs. But I am afraid arguments or debates will help your case but little, you must have recourse to remedies that are in your own power. We are what they call a poor distressed occasion, when they thought their privileges were concerned; they adjourned, and did to prepare the way to make the world believe they were injured, and prepare them for their proceedings afterwards.—And I say, this is a thing that follows by division, but carried on by all their power, to represent you as considerable, and to make you useful for no but giving money, and then to send you into the country. But if you do not leave power in your own hands, you will be effectually. I conclude with what I assumed relation to the course before, to declare they have no power to intermeddle in any of our elections."

Massey of Hartington, (afterwards Duke of Devonshire): "I shall not proceed to tell that hon. gentleman near the bar, is all the steps he hath made, though I think I might as regular as he. I think he hath only done that there is not so much reason in this—had dealt with the Lords, but that it is a sorry to had dealt with them one way or—I think this is a matter of great concern, and as long as I sit here, and as long as I shall be an member of the privileges I have to my body. I think it is upon balance of both houses, that the safety of whose lives constituted Parliament, I

the beginning of every parliament, and, as I take it, of every session, to appoint a Committee to manage all matters concerning elections. Now, if the right of election is not a matter concerning the election, then I own myself under a mistake; but if that be a matter of party, and consequently involve our general ends, and if those committees have time to time proceeded to examine the right of election, and that those both proceeded from time to time to give judgment on such cases, according to general qualifications settled and adjusted in the House, and very liberally upon discussing and correcting the rights of particular voters; then I think we have in good orderings for the jurisdiction in the House, in the matter of these elections, as can be had for any thing whatsoever and do say, in this case, we ought to take our ground and stand upon upon the right which the Commons of England have, and are led by law and custom of parliament, to be affirmed by the representatives of their own charging, which right is grounded upon municipal precedents and constant usage. For if we have a power to hear and determine the right of the election, and so possibly officers for abridging them in their right, and give satisfaction to the party, which must inevitably require, not only in our Journals but by a constant and unintermitted practice, time out of mind, and I think we need look no farther—I do say, it is from time to time there has never been a session of parliament but this power has been exercised, and a great Committee they have when come to resolutions to determine the right of all elections, and frequently of particular elections; and for that purpose only they have examined whether persons had burgage-tenures, or how paid rent and lot, or have been freemen, and other circumstances necessary for the information of the House itself, and as matters have appeared, they have judged them qualified or unqualified. And where the votes of persons having rights have been offered, though refused at the election, the Committees have usually allowed those Votes as if they had been given, and upon their determination the House have agreed with the Committee very frequently, and sometimes have disagreed with the Committee, as the names of the same have appeared to the House. So that nothing is plainer than that the House of Commons have, from time to time, exercised this jurisdiction in all the parts of it, and sometimes elections have been tried at the law, and determined by the House upon such trial—Then how could itation to be brought in Westminster Hall; I have considered that point, and felt nothing to be plainer than that, that Westminster-Hall never had a power to meddle with elections, but where, by some special act of parliament, you have given them power. I know that there has some opinions that elections have been tried in Chancery, and in the House of Lords; but I cannot find any thing of this nature ever settled, though some attempts have formerly been made that way. I think that elections

have been exercised sometimes in the House of Lords but so he seems, but the trial of elections, and of the right of the elections both ways been in the House of Commons, so that here would be no contest of power or justice if nobody else meddled in this matter.—Then comes another more than answer that might arise, I think there are two that are most material to be considered, one is that of 22d of H. 6. cap. 15. What is the importance of that? It takes away, that commission namely for the party grieved was not returned in the House of Commons against Sheriff, Mayor and Bailiffs offending, whereby one would think that the petitioners in those days did not think or know any thing of the remedy now introduced to be set up in Westminster-Hall and the House of Lords. And the Statute provides, that if any Sheriff do contrary to the Statute about elections, he shall incur the penalty of the former Statute, viz 100*l* in the King, and a year imprisonment, and shall forfeit 100*l* more. To whom? to the party that ought to have been returned, and if he do not sue, then a writ accus given for the same to any body else. And a mayor or bailiff, for a false or undue return, or to docket to the King 40*l*, and 40*l* to the party that should be returned, and if he do not sue, then a popular action is given for the last penalty. So it is plain, by this statute, no action is given to the Voter, who had his remedy in the House of Commons. Your second was to certify of your liberties, that they are not treated in a dishonourable manner, such as hold in ville-*à-vis*, all customary tenants who held at the will of their Lords, and might be dispossessed by them, and (as I take it) tenants by mortgage, till mortgage was reduced to certainty, were excluded, and afterwards all freeholders under forty shillings a year, and when the officers were by law to select some Voters and reject others, they were to say the best of their judgments, without being liable to a multiplicity of actions, (and in the cases I have mentioned) but for these Defects it was always reservable to the House of Commons.—Let us consider then the validity as Long William's counsel think it is in the 15th year of his reign; then the statute takes notice of the equity double gentlemen by double and false returns, not double, a double return is made a false return; and by the statute it is provided, that if any returning officer returns contrary to the last determination of the House of Commons, of the right of election; such return is thereby adjudged to be a false return, and void.—This statute is the 1*st* of Long William, which the very determination of the right of election to be in the House of Commons, it does not say the determination of the election, but of the right of election. I will endeavour to avoid repetition.—But how does this matter stand? By the law and custom of parliament, which is a substantial part of the law of England, the House of Commons have the jurisdiction in these matters of their elections, but, by use or custom, the House of Commons have given power

in any of two cases, be proceed in the manner therein prescribed; but none of the cases allowed by those statutes, are like the case of this man at Aylesbury, for he is not a person who has made a bargain, he was not duly returned, nor the judges mentioned in 7 Will. 3d; nor by *Statute 12* could a subpoena be issued; therefore this case is left out of the statutes, and a man is distressed as much as to see how and whence a person is arrested.—As to the case of Mr. Nevil, it is a new case to be determined in parliament; the real is was put out to the parliament because of the great weight of it, and the judges were at opinion that it was a matter too high for them. And in the case of Mr. Oakes, where the case of Mr. Nevil was cited, they positively said, it was a matter of too great importance for the judges to decide; what it—Then how comes it to pass, if this action might have been brought at common-law? I say, how comes it to pass, that this action was never brought before? Certainly that is an argument answering, for there must have been occasion for such an action, if the common-law would have maintained it. But the judges, who have been the grounds and reasons for this pretended claim, have showed meddling in this matter, because it concerned the parliament, and the parliament had not entrusted them with it. As to the case of *Harper* and *Boone*, who adjudged in the King's Bench, the reason was, because it had been adjudged in parliament, for Mr. Samuel Barnardiston, had a majority by near 100, and the House of Commons had tried the cause, and gave him his right of sitting in the House; so that one would have thought that he had liberty to have gone into Westminster Hall. But afterwards this judgment was returned in the Exchequer; and judge Ellis, in his Argument, says plainly, that the right of determining elections belongs to the House of Commons, and the House of Commons have determined it for Mr. Samuel Barnardiston, and for that reason you ought to allow this Judgment.—I suppose it was brought, purposely against Resolution, into the House of Lords, and when it came there, all but five or six lords were for allowing the reversal. Now, for, by reaching the reasons of these five or six lords that dissented, we may easily infer what would be a reason that induced the whole House to allow this reversal. Two reasons were given; first, say they, because otherwise there will be a defect of justice. One says also, if these five or six lords were of opinion that there would be a defect of justice, all the other lords, were of opinion there would be no defect of justice. The five or six lords that dissented said, that the plaintiff ought to have this action by the common law; certainly if the other lords had been on this opinion, they would have maintained the action, but they overruled one such action did he, because on such action was given by the common law—I take this matter to be of infinite moment, and I think there is no degree or state in this matter but what is intended by the House here of this

land, so that they have no jurisdiction in this case, then I do not believe a House of Lords can give them jurisdiction. But, I appeal to you, and all the gentlemen here, whether what hath been said on one side hath been at all answered by the other. If an action of prohibition *supra* should be brought against a member, for what he has said in the House, no doubt but that member would ask of the privilege of the House, and it is to be hoped the judges would allow it, and give the plaintiff no redress, the notwithstanding, what of course, according to the doctrine, might be brought, and the Lords might give judgment that this action does lie, and then what would become of your liberty or debate? This is a matter worth your regard. I have here told you how the Lords have taken notice of the privilege of the House, in the Case of *Holles* and *Ellis*. But that he sat in his free chamber, and was whether any thing can be taken from that case to justify the Judgment brought in the House of Lords. There was a disorder in the House of Commons, and the Speaker was nine hours locked back, and the chair, and scandalous words against the knight's prayer council and judges, were uttered by *Ellis*, *Holles* and others, and upon that a proclamation was brought, 5 Car. 1, against these particular gentlemen in Westminster-hall, as well for the words spoke in the House of Commons as for the force; and they were set upon them. This matter, when the Revolution of Charles 2, was brought before the Lords, as a conference, and they took notice of the privileges of the House, not to set them aside, but confirm them; and their lordships declared the Judgment to be illegal, and the freedom and privilege of parliament, and desired the lord *Holles* to bring the roll before them by Writ of Habeas; and so, by agreement, the Judgment was reversed, nothing against the freedom of speech in parliament, allowed by *Stewart's* act, which their lordships acknowledged to be declaratory of the ancient and necessary rights and privileges of parliament. Their lordships then would not let any matter appear upon record, to the destroying the Commons' privilege; and I wonder how this precedent comes to be cited, to justify a proceeding which tends directly to take away your privileges—I wish with all my heart the House would have appointed some persons to have searched *Precedents*, and I am sure they would have found an infinite number to be produced, to have justified the power of the House in this case, how it hath been in these powers, once out of mind, how they have a power to punish officers, and it seems to me they have given damages. I remember one on my time. Mr. Tankard caused a person to be brought before, and he charged himself, and the House (as I remember) made no order, that, as he was the nephew of the man's committing up, and had done him no injury, he should make him satisfaction, and he was forced to do it by paying him a sum of money.—Now that I would give her an opportunity that the House is a

proper court for settling fines. But if they are not a proper jurisdiction for the business of their own elections, I think they have no jurisdiction at all. I will not say the House has a power in this. I have not read anything of that in your journals, but I think there has come to nothing, because there was no express power given, or clause made on this score; and so that matter has slept ever since, and I hope will for ever—this has only your freedom of debate, but matter of writing is the House is concerned in that part. And if you have not a power to change the manner of elections in the House, I wonder how any author comes to say the House has any jurisdiction at all, for if they have not a jurisdiction in this, they have no jurisdiction in any purpose whatsoever—It is not to be denied, that this power belongs to the House of Commons, the next consideration will be how to attain it; and in this, I hope gentlemen will take such steps as are proper for them, and let those they represent, be aware, some have of irreverence, &c. in the name of those we represent. And we have but a delegated power, and can't without breach of trust, lay up the rules of the constitution. For my own part I have taken no oath to preserve the privileges of the people that choose us, but, without whom only, should be of opinion that I have put up the privilege which was ancient in their behalf; but I believe, if the house and you methoded out to come at it, and I think can only do this trade of consulting with the House of Lords, or the judges. There is no doubt, but the judges in Westminster-Hall are bound to take notice of a bill of your kind according as they will if you come to make a bill herein, that the power of hearing and determining all matters concerning elections, does belong to the House of Commons, as parliament; I doubt not but there will take notice of it, as lawyers there. And you are to let us know, anybody can help bringing the action, as the man does; for a person may take out a writ and declare upon it, and swear it down to truth, as about the points or knowledge of any cause; and then, when the cause is tried, the other side comes in and moves in request of judgment, and the court gives sentence. But I wish the defendant had declared, and that that would have put it as a point of law to the judges; and if they had determined it judicially for you, I believe it would have gone on further. For it is one thing to determine it upon discovery, and another thing when the cause has been tried and damages given, to have the court's opinion as a point of law.—The judges determined the action thus and so, but as matters stand now, perhaps in this case, there will be brought a Writ of Error before the Lords, and they will give such a judgment as they have given now, if I might I know. I should not think it proper in me to ask your question now, by which you shall be aware your right, if you are not fully satisfied about it, but it ought to be considered further. The last declaration of par-

liament is to be found out by experience in precedents. But if you are satisfied, I think the proper question is, that by the usual custom of parliament, the hearing, settling, and determining all matters touching elections of members to serve in the House of Commons is to be by the whole House, there does not lie your power, or any other—The consequence will be, if I think of the law of England, and plainly so, as well stand upon that declaration, so any new law to be made by parliament, it could get it. But I believe you have no reason to expect a new law in that case now in the House of Lords. Then where would do? If you should try to get a new law made, it will be construed, that you had power before, but endeavored to get it, and the House of Lords denied it you. But plain and clear you have this power already, and a sufficient ground to stand upon; should not but Westminster-Hall will take notice of it, and the House of Lords too. If they do not.—[Here Mr. Lowndes rose interrupted by a noise made by some few of the Members, who said, What should he be protected?—] say, if they do not, it will be time enough to deal with them afterwards. And give me leave, I am not afraid to say, if a person may, much more the House of Commons, have the law of England on their side, he shall be determined over as much, one way or other they will show their right sooner or later. The rights of the people of England are now in the hands of their representatives than any other; if they do not like them, they can turn them out and choose new ones; but they cannot do so in the case of the Lords,—I love pardon me my great prejudice.—I take it to be of importance to avoid all contests with the House of Lords, and with Westminster-Hall, and I think you may do so, by proposing and adjusting a plain Declaration of your right by the law and custom of parliament.

Mr. Solicitor General, [Sir Simon Harcourt, afterwards Lord Harcourt and Lord Chancellor]. "After what hath been said of large concerning the law in this case, especially since it hath received no contradiction in my discourse whatsoever; I will avoid the repetition of what has been already allowed, and endeavor to shorten your debate, by bringing something toward a point. It hath been said that the question now before you is, Whether Judgment being given in the Court of Queen's Bench, a Writ of Error does not lie in the House of Lords, to reverse that Judgment? I cannot by any means, agree that to be the question.—But that which I take to be the proper question before you is, Whether it be the sole right of the Commons of England to determine their new elections? If you are of that opinion, never let your dissent grow with a dissent, never put you upon the necessity of complaining of a Judgment of the Lords. But rather think it is in your power.—It may per-

after you have and they have done well, they may be punished for doing so—I will compare this with one or two instances cases that have not been mentioned; suppose a person should publish an indictment against another maliciously: he does this wilfully, and an action does lie against him; but if a Good Lawyer that I do against a man, for he will not stand as a witness that it was done maliciously, because he was obliged by his office to do it: as this is the case of a witness, because he is brought in by the process of the court, so it is in the case of judges. And is it not equally the duty of a magistrate to determine upon the guilt, and afterwards to award a remedy? and is not that reasonable to leave you?—A good deal might be said further upon this, but I expect it is pretty unnecessary: and that we body can have very doubt but that our privileges are very much questioned in this question, and what the consequences would be, therefore I would humbly propose for the question that another gentleman hath hinted at, which may reduce this debate to a particular point.—We certainly have such a thing as the law and custom of parliament, and that is very well known, and upon that but I desire you would put a question to this effect.

"That the sole right of examining and determining all matters relating to the election of members to serve in parliament except in such cases as are otherwise provided for by act of parliament, is in the House of Commons; and that neither the jurisdiction of the judges, nor the right of the persons elected, is thereby a cognizable or deemed." "

Members. "The Question, for Question?"

Mr. Smith.—"Sir, I speak only in your order, that gentlemen should not interrupt one another by coming to the Question, but give diligent attention to the debate, for this is a matter of great consequence."

Then Mr. Pym (in the chair) stated a question on his paper to the effect proposed by Mr. Selwyn, and read the same to the committee.

Mr. Christopher Newport.—"I am very willing to hear any gentleman that will stand up and speak, and you have had a very good blot given you by an honorable person, that this is a business of great moment, and I hope we shall continue to do as we have done, that is, to hear gentlemen patiently: and that we may not be guilty of any disorder, I move you for another vote to be brought in."

Then the question was put, and carried for aye. And they were brought in accordingly.

Mr. Dummer, (afterwards a Judge).—"Mr. Pym, you have now a question upon your paper, but that which I take to be the question is, Whether a husband, or a woman, who

both a right to give her name for her representative in parliament, may afterwards, and maliciously be deprived of that privilege without any offence on any count whatsoever.—This I take to be the chief before you, it is said to be of great consequence, and I do take it to be of no great consequence than that thing that we have been discussing: because, as I don't look upon it to be necessary to consider the jurisdiction of the Lords and Commons, but to affect every part of the constitution, and the queen's council thereof, in the highest degree. For it seems to that, if the Lords have any right to determine in this matter, which by what is known is regularly brought before them, we shall be turned into a state of vilage, and the people will be deprived of choosing their own representatives without relief, and shall not have relief by her coming in the Court of Chancery, nor before in the Court of Parliament, where, in consideration of law, she is always presented when by our law, is the first appeal; and then will be a failure and an interruption of justice, and our constitution, in relation to ourselves, will be so far changed, that it will be impossible there should be any right representation of the people: for, it will not be the people then that will choose, but the officers may contrary refuse and return whom he thinks fit, and the particular person will be without remedy. For, whatever gentleman appeals is the right of return he not concerned, which way can any particular man bring his case before you? And what remedy shall he have, if not by action? I will not say that he not, but I will turn the argument, and put it upon them to show (there has) but behaved as never was any particular application to the committee of privileges, when the injury has been done to a particular man, which is the present case: and this matter is found by a jury that was sworn, and one man of the jury lost of quality, and appeared on both sides: and I think, doubt never came before the parliament, nor the committee of privileges, they might consider of a particular injury.—And as for the point that hath been taken up, that where the House of Commons have a jurisdiction, there the party is in all cases without remedy in any other court: now that is not according to truth: for in the case of a false return, there is a public injury that does not leave the party thus obtaining satisfaction in his particular injury: and if no remedy be shown can be no satisfaction; for the House hath not awarded damages in any case notwithstanding the very principle that was offered for the man's trouble in coming up to be examined before the House. And, if they should award damages, there is no way of getting those damages. What way can we get out? And if the person be without remedy in law, he cannot sit down without any redress at all, because there is a multitude of cases where the House hath a jurisdiction in fact

concerns the public and themselves, and the party shall have his answer also. If I receive a bill in the House, it is a violation of the privilege of this House, and this House can take care of it, and condemn the person that brings down the spy, but will say none say, that in course of history will not be at the common-law as that case! There was the Case of Mr Thomas Charges. At the trial, at his death as there was one Row spoke words to his prejudice, he might certainly have complained in the House of it; you had an instance, I think, but attempt, of one that complained, for some such injury, against the Lord Bishop of Worcester, and the House took it into consideration; (which Mr Thomas Charges might have done,) but he brought his action, and recovered considerable damages, and afterwards writ of Error was brought to the King's bench, and Judgment was affirmed.—There is a case now before any process of your law, and that is, where a sheriff made a return, and he delivered that to a private messenger to bring up to the Court-Office. The messenger by the way thought fit to violate the return, and in so another return than what he received from the sheriff. For this an action was brought and he recovered of law against the messenger, for the private damage he had done him. Certainly otherwise the law would be defective, and in another Case, the sheriff returned, in prejudice to a creditor, in a mortgage, an action was brought against the sheriff, at law, for the damage he had done this gentleman, and it was sustained, and I dare say more cases may be put, which shows that your having a jurisdiction as to what concerns the public, does not exclude the party, but he may have an action for his private injury.—A great many positions I have heard, which I take not to be true, particularly that, 'That there was remedy at law, but in cases provided for by the Statutes.' This must be, there unanimously the contrary. The first says, Wherein there was not a sufficient remedy, therefore, that gives a more complete remedy, and so the Judges declared in the Case of *Barnardiston and Smeeth*—So, they have told us of the Cases of *Barnardiston and Smeeth*, and of *Nevill and Broderick*; with humble submission to you, those Cases go so far as to prove the jurisdiction of the Lords, and the inferior courts. That of *Barnardiston and Smeeth*, was an action tried before the Court of King's Bench, and a set of us learned Judges as ever were before, as since; and there all three were of opinion for the action, and my Lord Chief Justice Hale was one of them, who, the term before he surrendered his character, did thus express himself: 'He gave thanks to God, that he had signed him to that time, that he was able to keep his courage, and declare his conscience in that place.' But afterwards it had its fate; a Writ of Error was brought in the Exchequer-Chamber; Mr Justice Leveson, that reports it, says it appears, that there also argued against the Judgment in the King's bench: where twelve Judges, and they

themselves afterwards determined the Case. And every body knows how valuable it was at that time, to know the price of an House of Commons, and an English parliament. Those points were made clear in the subsequent, and I think two in the Common-Pleas. Afterwards it came into the House of Lords, and there the reversal in the subsequent was affirmed, for reasons different from what are argued now, and I believe for several good reasons. The short is that case had made a double return, and the short might do it for his own indemnity, for it was no more than taking a special verdict, and therefore the saying, false of substance, being put to a thing that was in itself right, would not alter the nature of the thing. Another reason they went upon was, they said this double return was a void return, and for that reason the action did not lie, and upon these reasons depended that Judgment. That gentleman observed that only four or five Lords dissented, it is a great mistake; four or five Lords only I believe, entered their dissent, but there was a great number, and were an equality against that Judgment: and seven Lords, now in that House, were against that Judgment, that did not enter their dissent.—Then, Sir, there in the Case of *Nevill and Broderick*, and that was first a Judgment in the Common-Pleas, and when it had taken its progress to Westminster-hall, it came before the House of Lords, and the Lords returned it back again to Westminster-hall, and ordered all the Judges of England to deliver their Opinions on it. That was grounded upon an instance of those times: *Berkshire* was to send five knights, and *Nevill* was one of them that were elected, but not returned. There they said, in that case that writ *certiorari* was entirely new, and that case did not recommend itself by the known laws of the land, and for that reason they would not give Judgment, for wagers could not be taken for five such knights. And, when afterwards they were to give Judgment, the eight constitutions had recovered itself.—Now, as to the Lords might to reverse a Writ of Error in this case. You have affirmed to them that they would reverse a Writ of Error, at a time when your privileges were invaded. That was the case of my Lord Holt, who with others was interested against, a Car for having spoke words in this House that did offend the government. And he pleaded to the jurisdiction of the court, for there any such thing here? No they have relinquit in it; and the court overruled these pleas to the jurisdiction, and that Judgment continued in force, for some others which have been since done over, which it was well if they were reversed, it is in this House took notice of it; and in 1697, they desired a conference with the House of Lords. The discourse was my Lord Chief Justice Vaughan, and the House there complained how they were grieved by that Judgment; and, after repeated conferences, both Houses did consent in this capitulum, that my Lord Holt being the only survivor, should be desired to bring a Writ of Error in the

House of Lords, and he did so, and the Lords in that case did you justice, and reversed the Judgment. As to your saying that Vane, who is well enough I cannot tell. What argued a Vane, you passed before about the year eighty. That the putting the laws in execution against Protestant dissenters—was an injury to the people, and a subversion to the government; and that those that put them in execution, should be looked upon as enemies to the King and Kingdom? The same people were, that all the laws against Popery were put in execution against Protestants: were those they were before. The Judges in Westminster hall said, that Vane had not passed them in law, and they could not maintain it. I hope we shall do nothing that will become ourselves, or any thing but what will be effected for the ends at which it is proposed."

See *Journal*, February 17, Minutes of the House, &c. Mr. Thomas Boscawen on this day is a long time in the chair, and argues a deal of his house upon various suggestions contrary to what appears before you, or else in questions altogether unproper for the consideration of the Committee, and therefore it is necessary to look back to that which gave occasion to the present dispute.—The Committee hath a copy of the proceedings of this action referred to them, but it hath not been read, and I am confident if it had, and had been attended to by gentlemen, they would soon have said that the Lords in the Judgment they gave, did any thing in opposition to your Judgment, or in derogation to your privileges.—Before the action was brought, there was a Resolution of the House of Commons, That the right of election for the borough of Aylesbury, was in the inhabitants not receiving same. It is then that Resolution the Plaintiff hath taken his rise, and hath brought his action; for by his declaration he makes his Case to be, that he was an inhabitant of that borough, not receiving same; and that the countables, lords and members, obstructed and hindered him from giving his vote at the election there. The countables joined, Ben Gualty, and the countess goes to a jury, and they had for the Plaintiff, and give him 5*l*. damages. Which is in effect a finding that the Plaintiff was an inhabitant, not receiving same, and that he was obstructed and hindered from voting by those countables, and that it was done full of malice, and to his damage. And this may serve to demonstrate, that the proceedings in this case have been in opposition, but in conformity to just judgment.—Now let us consider, whether the bringing of this action is a violation of your privileges. A great many things have been said and proper for you to deliberate upon, one, that this will encourage multitude of suits; another, that this action was never brought before, and several other reasons which go to the question, whether the action will lie. Now there is not the question here; but the true and only question before you, is, whether this action was

brought in violation of your privileges; for if there be no breach of privilege as to, I have no authority to say, to stop the course of legal proceedings. And as to that, but one thing (as I conceive) has been said materially, which is this, that this is a parliamentary and not a common-law point; and that the judges of the common-law, are not judges at the law of parliament, and therefore they ought not to have given the Plaintiff his judgment, (and it must be admitted the Lords were not in such cases any judgment, but what the judges ought to have given). To maintain it hath been said, and undoubtedly it is true, that this House hath a right to judge elections, and it is as true, that in a case in point to the determination, it is manifestly true, that the House do judge of the right to electors, and it has been said, (but that I think) that the people of the election, or by the law of parliament, and take the right of electors as it is in England or as it is in law in the common-law, for example, as to other of these questions.—Further he is a divided law, and then he has a right by vote for length of the shire, or he has a right by charter, or a right by prescription, which two last rights take in the right of voting in all shires and boroughs. Now I would be glad to know whether the right of a freehold is not by the common law? Is it not common, with all its privileges and immunities, created by that law? Whether a right by charter is not by the common-law? Is it not that law which enables the crown to grant charters, and give them that power? Whether a right by prescription is not by the common law? Is not prescription, common-law? And is the common-law, any thing but common-law? So the right of electors being by the common-law, the judgment of this right is primarily and originally in the crown of law. The freeholders right of voting is of the nature of his freehold; and you may, as well take away his freehold, as take away his right to vote, which he has by virtue of that freehold, and then tell him he must come to the House of Commons to receive it. And by that way he need of those several matters, which give a right of voting in shires and boroughs. And thus, I hope, I have made it out, that a right of voting is not a parliamentary right, but an ordinary, legal one, and by the common-law. Judges have the judgment of it originally; and it is manifestly only that the House has a power of judging of it, and that too according to the rules of the common-law, which is a further demonstration, that it is a common-law right, for it would be absurd to say, a man has a right by one law, which is to be judged by the law of another.—Then what interest has the Plaintiff taken? He has a right by the common-law to elect a burgess for Aylesbury. This right has been granted, and he has given the reason for the address, and from no other point could he have it; for this House, as the Court of Chancery cannot give a remedy, the Court, that is, cannot hold the person or

posed reparation for the damages done him, by obstructing him in the exercise of his privilege. And that is the thing the learned gentleman, who has spoken in this debate, has pressed for. And there are the material points. That this is a right in common-law, and that House cannot apply a remedy.—But it has been said, that the House will take care not only the benefit of the elected person, but of the electors. It is true, but in order to what? To see whether you have a right to elect him, and for no other end, for I challenge any gentleman, to show me one instance of a single man who came hither and complained, that he had a right to vote, and was hindered from voting, and made that right to be the offence of the officer. But the House, or would the House receive such a complaint? And yet he may go with that complaint to the law. For whether the person he would vote for be returned or not, damage is the hindering him from enjoying his privilege. And it cannot be made an injury and it is injury by matter of fact *forte*, that is, by the officer's returning, or not returning the candidate. And though the officer should report him, and not carry his name in, for to make a false return, yet it is of use, that the law will redress the wrong done to the voter, and thereby, perhaps, stop the bad steps or oppressions, thereby a better return.—But if I ask what the House would receive the made Person of a voter who is qualified, and when that person is returned have done for him, and when the House will not make him a representative, what can it do, to redress the wrong, let me repeat what I apprehend is complaining of, that person's damage. In fact it has been said, the House, by the charge, and there is no more to be done by Mr. Tasker, who is returned, cannot take cognizance, and the House, in order to remedy that, has come to resolve, *Quia*, *Parliament* cannot so pay redress to the candidate as a subject's petition against, and for that reason it did at the beginning of the session, for, these instances being presented, the House

by the House? No, these are remedies against Parliament, and in favour of them; not are damages given in these cases, but costs; all that is provided for, is, that persons, wrongfully complained against, shall not be out of pocket. And by a statute you have jurisdiction in point of expense, but not in point of damages; for you may order the wrong done to be redressed, and make the payment of costs to be repaid upon the price of his liberty; but there is no direct remedy, even for costs. But it is apprehended, there may be a checking of jurisdiction, and if the party should be allowed to go to law, the courts of law may be of one opinion, and the House of another. This is a supposition the law does not allow it, for this is to suppose courts of justice will act de right. It will be allowed so far that a distribution will always be just, and other courts the law supposes will do right too, and then they will determine as you; and your determination, and that of the law, as I said before, has been the same in factum. But these are the suppositions at law, that all courts will do right, so far as in the supposition they may be, so much is judgment. And yet courts cannot have jurisdiction, so the House will be so always in all of points of jurisdiction, under the law, which will be out of jurisdiction; the House granted to be so much jurisdiction. And now I will leave it to the several courts to have different jurisdiction with the great law, and the law does them, notwithstanding there may be different judgments. The great law cannot place any party as parties for anything, so there is the existence of their power, it is not used to that end; but at the same time, in the same matter, the offender may be punished by the High-Court, as it is by the law, or the public justice, and the same may also punish him by law in the case of a subject. For the damage done him. I could also give a little upon the case cited, and that is all I am possible. The first is that of *Seald and Vinder*. I have looked into the Journal of 1698, and the only book of our law, where that case is re-

* The Case of Mr. George Muger, 17th Nov. 1703. *Willes R.*

A Complaint being made to the House, that Mr. George Muger had prosecuted a Member of Parliament, to wit, Mr. Ashby, about the first Session of this Session of privileges and liberties, upon touching the matter touching the election for the Borough of Southwark, it was referred to the consideration of gentlemen to consider the matter of the said complaint, and report thereupon.

Daniel a Willes R. A report was made of the matter of fact, and that the possession had been in the resolution, That Mr. George Muger having prosecuted, on last Session, *Willes R.* and John Tasker, for what they are called in the certificate of privileges and liberties the last session, upon having of the matter touching the election for the Borough of Southwark, was guilty of a breach of privilege.

The House then acted with the consideration, and ordered Mr. George Muger to be taken into custody of the Sergeant at Arms.

The Case of Mr. Tasker, 25 Jan. 2 Willes R.

Mr. Tasker complained to the House of a breach of privilege against Mr. Edward Mares, Member of Aldborough, in the county of York, for that the said Mares had intercepted letters of Mr. Tasker's which were sent by the post.

25 Feb. 10 Willes R. Mr. Mares attending, was brought in, and the House having heard him, and his witness, resolved, that there was no ground at complaint of breach of privilege, and ordered that Mr. Mares should be discharged from any further attendance, and that he should be paid the charge of his attendance by Mr. Tasker.

posed, and that Sir Spenser's second Report; and that who upon writs issued out by Com-well, whereby he appointed assistants to chase gallantly, some drove, some hunt, some fire muskets. Mr. Neville was a member of the long parliament, and after several the law against the non-removal of money, being found him, and he was not returned, and therefore he brought his petition in the Commons place. The action depended there some time, and then on the justice brought the record into the House for consideration, and desired the House would come to a definite sentence in, (and by the way, there was no Member of Lords in being at that time, first was in the time in the long parliament, who had usurped the whole legislative as well as the executive power) and no wonder the judges also brought them with the determination of that opinion, and they were their greatest, and had their consciences won there. Well, but the record being brought in, the House appointed a day to consider of the matter, and when they saw the plaintiff had proceeded respecting to the issues mentioned at law, that gave no judgment in it, but sent it back to Westminster-hall, and there it was argued, but never adjudged. And that there was no judgment given, is easy to account for, if the judges thought such an action would lie, for at that time, the Long Parliament was upon the point of leaving the long, and restoring the laws. And if they had given judgment for the plaintiff, they had given a sanction to the highest usurpation of the Protector, and all his wild dreams of changing the constitution at his will and pleasure. And indeed the plaintiff had disclaimed the authority of the Long Parliament, which he had with great skill asserted, and of which he was himself a member. But if the judges had thought such an action would not lie, they might, without apprehension, have given judgment for the defendant. And that seems to me a strong authority that Westminster-hall thought such an action would not lie. As it is very remarkable, that when that House of Commons (as they called themselves) had usurped the executive power I mentioned before, they did not proceed to oppose the jurisdiction of the common law.—The next case is that of *Barrow and Barrow's petition*, in which Westminster-hall was divided. My lord Hale was of one opinion, and my lord North of another, and these were all and all on a side, and the matter came by writ of error into the House of Lords, and a petition and bill was forth concerning her. But I am sorry to find that Sir Samuel Bernardine did not hope to see her out of the hands of the money, for *Barrow's* bill, and I believe without success. For, in all the proceedings in the House of Lords, upon appeal on the behalf of his widow, she had no counsel drive, but was argued against Sir Samuel Bernardine, by Mr. Montague, the late Lord Chief Justice, to reverse the proceedings of the Exchequer-Chamber, and judgment was given, as both have said in the *Memoir of Lord Chief Justice*—*that bill*—*appeared with*

The Commons were so uneasy under this report, and the story which might be told to the people, from whom they derived their authority, by double or false returns, that the next thing was the impeachment of the Court to apply a remedy, and the Lords said the House is from appointing remedy, reversal of that judgment, for the act of 21th of the late king, did not take effect against law, and provided an attendance where an officer makes a return falsely and rashly, they were brought in to examine things, but how matters might be tried in the as well as crimes after them. And I wonder in how just a manner should be in such words in course. Men are tried for their lives every day where justice is the same passing case. It is not done without any punishment laid together, the law stands correct, and that is as well as to know, if an officer returns the return of one who hath a clear and indisputable right, the law processes of done rashness by, but if the officer returns a man's vote, and there is any probable cause, or colour in the it, or the right of voting is doubtful, the judge will tell the jury they ought to find for the defendant; and therefore it is only in a plain and clear case, that a man can proceed as such an action, and thereby the way is an answer to that objection, that such actions as these will hang off your elections to be determined by the Lords, as to an officer can never be found guilty by a jury upon the return, where there is a controversy or dispute, and how can the Lords try or determine any thing of the right.—There is another case, and that is the case of Mr. Osborn against the Lord of Newcastle, that judgment was against the action; and was given by my Lord Chief Justice North, and the rest of the judges of the Commons-place, upon the authority of the judgment in the case of *Barrow and Barrow's petition*, in the Exchequer-Chamber, and no wonder, they could not give a judgment contrary to what some of themselves had given in another place.—So, this case was laid before this House sitting twice. Whether a candidate should be hindered from proceeding upon an action at law, before he had come to that House for their determination, whether he was chosen or not? And the House, upon a serious debate, adjudged that he might go to law before he had come hither, and I desire your clerk may read a word or two in your Journal, in it Monday, March 14, 1692."

Clark, reads, [The House being assembled,] "that John Baker, esq.; who was candidate at the election for choice of members to sit in the present parliament, for the borough of Leicester, in the county of Coventry, had brought an action upon the statute made in the 11th year of his majesty's reign, against Mr. Richard Roberts, mayor of the said borough, for the sum of one hundred pounds, for making a false return of William Badger, esq.; although the said Mr. Baker never obtained

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Mr. Thomas Hays. "No, I shall not enter into a discussion, but I report what I see with my former times: I will say but this, but others are wiser at home as they are. As in the north Rhode Island, in some one of those towns, and, then were words of importance, and must be proved, and let it be shown and, they were not words of course, that is, like pepper and vinegar to a dish of warm food. But there is one that I know, that is quite hot but one, against another.—As in making matters thus, I confess, I like very well what that gentleman said on the right hand, if there was any precedent for it, I agree it would do very well, that this House would give damages, and we would make the best of it, but neither those things have ever so done, and those across me brought nothing. Now that we can do, we can punish the officers, and there is revenge in that, and that we will let it, and being successful. What further occurs to me, has been spoken by other gentlemen, better than I can do it. And I shall not report, if I am as late as the night."

Mr. Cooper, California with Cooper, 178 E. 17th St., New York, N. Y.

we thought to be created by that resolution; that the action upon the question was laid.—I will go a step farther, that we have the sole power to try the right of election; and consider the right of the electors, in this and I maintained, to determine who shall be admitted here, so I grant it both from the law and custom of parliament, [how earnest I will not attempt to paint the affidavits, particularly the others and incredible proceeding as the electors, for doing any wrong, or injury in his office as that assembly, in order to make him an example, or as an offender against the public.]

And the constitution of parliament! so far I grant you have just right to go, and no body ought to interfere with you,—but now we are carrying the matter still further—the question remains, Whether we have the sole right to punish the elector as a public offender, then again it is not brought to that end, nor is there a need in the declaration who was, or who was not duly elected, so that the constitution or privilege of parliament was violated. That the plaintiff says he had a right to vote, and yet he is so argumentally denied it (whether the electing member was returned, he would do enough) and he presents to the court and to the law, "Whether he ought not to have damages for this wrong?" And the question now, whether that demand of damages was well founded? Or whether there is any thing in this, contrary to the law and constitution of parliament? Law depending on custom certainly comes next, and is not to be made up by the act, but by other re-sorted acts—and that must be very far from the law and custom of parliament, which is so far from being a frequent repetition of acts, or proceedings, that in this case, there is not one instance where an elector hath brought his petition without regard to the return made, and found his particular right to vote might be tried and assumed, he having been obstructed and injured in giving his vote—nor was ever such damage required in damages here, not even his particular right to vote involved, or asserted by our judgments, or declarations of this House.—The learned and honorable person, upon whose reasoning I am kindly offering my thoughts, with great deference, was pleased to mention in the case of five princes, in the year of Aylesbury, who exhibited a petition complaining of an injury done them at an election.

In that case, at which their votes were refused. And if they complained of nothing better, and did not conclude to the right of the House, and complain, that they were oppressed, I admit it had been so far consistent to his purpose. But if they had so complained only at the injury done the petitioners in denying their vote yet he is pleased to say, that persons who withdrew, and the consent of the persons who presented themselves to voting. I suppose this is enough precedent to prove the law and custom of parliament, because the rule is no other than this. It does not appear upon what

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Mr. Murphy, Marlborough.—"Mr. Foreman, I am much obliged to the gentleman that has opened on both sides, who have brought this debate into a narrow compass. I am not sure, whether an election be made, or an action at common-law against the directors, for recovery of damages, be better."

times, in which he officiated, he was informed of an attempt, and arranged with the poll clerk, respecting the absence of Commissioners, to take proceedings of common-law and deliver every man the right to qualify himself for every vote, and give his vote, and a judge of the behaviour of every elector and of his officer, in taking the poll on the election of Members in cases of poll-complaints—and in all respects, with great satisfaction to both judges, namely, that the House of Commons have a sole right of jurisdiction in these cases, and that the elector is not entitled to an election at common-law. I shall not say or support this opinion by assuming the argument that have been made with one aim to prove the contrary; and first, I endeavour to observe, that the gentlemen who have argued on the other side, have not taken notice of a distinction, which seems to be very material in this case, and that is, between an actual force or violence done by the elector, and a bare omission in point of duty. It is agreed, that in case the elector does by force or violence elect, or has by an elector been offered or procured his vote, at an election, for which the elector is plaintiff, the elector will be entitled to an action at common-law for recovery of damages; for there is personal wrong, and does not concern the right or qualification of an officer to vote in elections. But, in case the elector does permit the elector quietly to offer or procure his vote, (as he did in the case of Ashby, who procured his vote for Sir Thomas Low, and Symon Magno, &c.) but does not think it an error to vote upon the poll, the elector at this case is not entitled to an action at common-law for recovery of damages, because he has neither suffered any force or violence, nor is, by such means, deprived of his vote; for a vote being once procured, the law takes it for the benefit of the public, though the officer be wanting in his duty; and none have power to determine whether the elector had a legal vote, and whether the officer had sufficient reason to refuse to enter the said vote in the poll, but the House of Commons. If any other persons should have authority in this case, they will be able to destroy the freedom of elections, and the constitution of parliament.—It is insisted by some gentlemen, that the elector have no proper remedy, in the case, in the House of Commons, and therefore they must have their remedy at common-law; but, with great deference to their judgment, the elector has a proper remedy, in the House, in every respect; for here their votes will be allowed, the legal objections removed, and the officer will be punished for any wilful default in the execution of his office. This is a remedy that answers the end for which every elector is entitled to give his vote, which is not for a private advantage in himself, but for the general advantage of the whole Kingdom. But the action at law is no proper remedy in any respect, for were a vote that is offered and refused, as good by the law of parliament as a vote that is offered and received, and as a

adjusted on the trial of every election in the House of Commons, as else they could not fill their House with legal representatives, or it is not proper or reasonable that an officer should pay damages to an elector that has not suffered any, nor that a public officer should be punished by a private wrongdoer, which is also contrary to reason and law, whereas the law, as I repeat the representative, and is the same as when with the constitution of the parliament.—The qualifications of officers, and the manner of electing, in all elections, are general and plain, and such officers are not specially qualified, as both laws and a declaration by all the judges in England, a parliamentary case requires: a parliamentary reason.—And since words have been spoken of all elections, I shew you, in this case, and have related to an action, for, it must be proved that some time or other such an action could have been brought, which yet was never once attempted in any former reign, and all those acts of parliament that were made to pay damages in cases relating to elections, do demonstrate that no such damages could be recovered against him, for if they could, there had been no occasion for making any of those statutes.—It is stated, that every right must have a remedy, but then the subject must be a subject of that right, which an elector is not, and, even when he is, he must have his remedy in a proper manner, and in a proper court. These several sorts of rights and several sorts of laws in England, and these several sorts of justice in the administration of those laws, shew that he has a right to all part cannot have an action at common law, but he has a proper remedy in the spiritual court. The first sort he elected of members being to the county of Cheshire, Atherton, Sowerby, and the Lymm, &c. If a subject cannot bring actions in common law, whereas that being within the jurisdiction of other courts.—And when my lord chief justice Hale demonstrates the several laws in this kingdom, he gives the precedence to the law and course of parliament, which he takes to be superior to the common law in Westminster-Hall.—And as every court at law has its customs and rules, and peculiar to each, and its own judge at them, so the high court of parliament, as his grace illustrates at common-law judges, hath its own power, laws and customs, and its own judge therein. And, if an action at common law will not be for injury, where the spiritual court has a jurisdiction, though the temporal courts have, in many respects, a superior authority, such an action will much less be in a court concerning the parliament, which is the high court of the kingdom, and who are not judges in all cases relating to themselves. But some carry this further, and say that every right must have a remedy with damages. This may be true in most cases, where a man is deprived of rights of property and personage; but there are many instances to be given, where a

right of franchise or privilege is not made to any damage: as a person elected member a corporation, if the proper officers refuse to accept him, but an action at law for damages will be remedy by Mandamus out of the Queen's Bench; there is a remedy by Habeas Corpus, but not to recover damages. If a writ should now be brought, the law, but damages in this case, the proper remedy is to have the vote allowed, which can only done by the House of Commons. Some gentlemen have found out a new device, which I never heard before, that the House of Commons has the sole privilege to judge the rights of electors, and of the legality of electors, to vote or not, but not to decide that it is, in order to determine who are legal representatives, but not to give things to the party injured. But, with great reason, there is no weight at all in this device. For, as it is plain that the elector is in the case, deprived of his vote, and that he suffers no damage, as it is also within the judgment of the House of Commons, I cannot properly imagine to give them power be contradicted by any other judge or court, therefore their judgment on the quality of the elector, and of the behaviour of the officer must be conclusive to all intents and purposes whatsoever. It is contrary to the maxim also, that the behaviour of an officer shall be subject to the determination or review of superior jurisdictions, as that he should succeed by the judgment of a superior court, and only by the judgment of an inferior that he should be to be punished for the offence. No man can serve two masters, either, at this rate, will he any way answer and made liable to punishment, whether he be honest or not; if he answers there with the law, he will forfeit that, by the statute or false return, if he refuses there, he will be ruined by a multitude of actions, for if he brings an action, there may be awarded, since every man, at this rate, may do a vote, and bring an action for not sitting upon the poll. Now is this consistent with the freedom of election, in which there shall be no power neither on the electors, nor the officers? But as the electors should be left to offer their votes, so the officers should be left to judge whether they ought to be allowed the poll, or not; and they ought not to be liable to say that the House of Commons awards damages therein, as all a man's votes to elections, and who are entrusted with the determination of all matters and causes therein, and they may as well punish a man for a slight sin on the poll, as for a great one, as the judges of the common-law jurisdictions, though there is no reason to be had, to take care for every man's subject may have need for every punishment, but we are not to take notice of the ancient jurisdiction of the House of Commons. The greatest objection

England ought to have no relief for what is contained in the law of parliament and the state of the constitution. In an action law and equity are judged on the same ground. What is first done in the House of Peers, the Lords will be the sole judges in law, who have votes in choice a House of Commons; which is directly contrary to the fundamental maxims of the law and custom of parliament: that the two Houses are mutual checks on each other and sole judges of their own privileges.—This is an absolute constitution and assembly well suited for the common safety: but how can the constitution be preserved if the Lords can punish our officers and give us damages? This will be the way to destroy all checks, and to make the House of Commons dependent on the Lords; and then I cannot see upon what foundation you can be said to be free to do any service for your country.—Other, must that they have rights that are essential to the liberty and freedom of elections; therefore as their freeholds are expugnable at common law, so is every incident belonging to it. This argument is plausible at first sight, but is every where a nothing in a, for though the Commons of England have submitted their private differences to arbitrators, or judges, undeniably chosen and appointed by the prince, discussion part of the people; yet they have never submitted their fundamental rights and privileges, which they hold in their public and not real capacities, as a free branch of the high court of parliament, to any but their own representatives, whose choice and appointment by themselves. This is not a case, properly speaking, between party and party, but between the Lords and Commons, because the determination of this case brings the whole right in question, who have a privilege to judge of the qualifications of elections, to give their own elections of members to serve in parliament, whether the Lords or the Commons? It is not now the question who hath the best right to a freehold or freedom, or to say that that constitutes us; but whether the Commons of England shall have any freeholds or freedoms at all? or, which is the same thing in effect, whether they should have any security in their rights or not? For if the Lords are judges of your privileges, you can hold no right but during their pleasure—like Lords, then to contend for the right of the subject, as I said, to be not for a power to enable themselves to judge and determine, as they think fit, of all our rights and liberties, for which the necessary consequence of allowing ourselves to have a remedy in any other place, within these walls.—This is my humble opinion; and if I am mistaken, other gentlemen will set me right. This is certainly a point of the highest importance to the welfare of the subject, and I don't see but they will consider it before they are away in the morning, as a precedent that tends to the destruction of the privileges of the House, or the liberty of their country.—A great indignation is

expressed for this poor case, whose vote has been refused: but whether he had a right to give his vote is very much questioned, and never yet determined by the House, who has the proper jurisdiction thereof. But admitting he had a vote, whether ought he to be preferred, in private interest or the public safety? Whether will be most for the honour of the House and the interest of our electors, the case of a private person in a nominated action, another mentioned by names, precedent or any established law; or the case of the parliament, and the constitution, on which depends the rights and liberties of all the Commons of England.—So, I beg pardon for taking up so much of your time, but I must confess it seems to me, that our all depends upon a right determination of this matter: but I cannot see any other reason why the new service is supported by the Lords, but only to render you processual and useless."

Mr. Robert Doleman. "Mr. Foreman, I shall not trouble you very long at this time of day; I think the point in debate has been truly stated by the gentlemen who moved on this question, Whether an action will lie for an election, for having been refused his vote at the election of a member to serve in parliament? A learned gentleman would have the question to be, not whether an action will lie, but whether the House has the sole right of determining that matter, and of going merely in it. I confess I think it is more properly stated the other way: but the thing is scarce worth a dispute, since which waysoever you turn the matter it comes to the same point, and one of the questions will in consequence be resolved by the resolution of the other. For if that question be yes which is proposed by the gentleman, and denied in the affirmative, that the House has the sole right of determining this, and all other matters whatsoever that concern the right of elections; then it must follow, that where it is wronged in any such respect, cannot be redressed by appeal, since the right of determining is one of the nature, is not in the courts below, but solely in the House. I shall not offer you any arguments to prove this sole right, never having been urged by others; but I will consider some things (without taking up much of your time), that have been offered as objections to it. Some gentlemen have made a distinction, in the case, between the right of electors and of the elected, and they will have it, that the courts below may decide the first, but not the last, where it is, in my poor opinion, the decision of the elector's right must necessarily, in every case, decide who has a right to be elected. For suppose a common case, that one of the candidates stands upon an election by a select member, and the other upon a popular election: If in this case one of the popular be refused his vote, upon a plea or that he is not of the select number, whereupon he brings his action against the elector, will not the event of that trial determine (in consequence) the right of

the candidate? Surely it must; none of it go for the plaintiff, for for whom the plaintiff offered to vote, and who had the popular interest, will appear to have had the right of election, and so will the other candidate, if it go for the defendant. Several other cases to the same purpose might be put. So that if an action of this nature should be, it must (as I apprehend) necessarily follow, that Westminster had by original action, and by Writ of Error the House of Lords, will have power to determine, (at least consequently,) who has a right to sit in the House, and who not. And how dangerous such a determination will be with your undivided right, (acknowledged on all sides) of determining the elections of your members, exclusive of all other jurisdictions, I leave to gentlemen to consider. A learned person was pleased to object, that such a remedy upon writs, and if this House had the sole right of judging in a case of this nature, when a single elector is wronged, doubtless there would be some precedent of relief given by an original process. But, says the gentleman, there is no such precedent, and there is no more subtle, than that there has not the sole right of relieving in that case. I think, I may safely deny his first proposition, as he applies it to the right of this House, which (generally speaking) are not founded upon writs. For, the jurisdiction of parliament are chiefly founded upon the nature and composition of parliament. Unquestionably a corporation, and an evidence of those rights; but the foundation of rights, is not being a part of the legislature, whereby we necessarily become connected with such rights and privileges, as enable us to act, and to discharge our duty, in that great capacity. So that it must be much what has been used, to what is necessary to the support of our constitution, that must be the rule and measure in determining the rights of the House of Commons. But neither has writs been wanted in this case. For whereas the gentleman asserts, that there is no precedent where the House has given relief to a wronged elector, (such as when an illegal writ proceeds against an elector's writs, particularly in the case of *Burdett*, where two or five of the electors complained, and the House gave a remedy. And I cannot see why, if it has been given in those, it may not be given to me, now, I should think it more than one have been relieved, if others may should be relieved. But it seems to me, that the gentleman draws from writs, good much further than the learned gentleman intended it should. For a writ right be founded upon writs, all right of action must be so founded, and then what has occasioned this action which the gentleman has tried to support? If writs be founded on the nature and composition of the electors, then the action (according to the gentleman's rule, that writs is the foundation of right,) would be rightful, where there had been a violation of the elector's writ. But it is he said, that there is no such case any such writ of action has been tried, and that

therefore it could not have been brought before; for there has never been a parliament called in any reign, but some or other, without doubt, have wrongfully returned writs. So that the cause having been brought, it manifestly had the like effect ere now, even such a wrong could have been redressed by bringing such an action. But the gentleman has pretended to say, that any action of this nature was ever brought before, and thereby we may infer from the learned gentleman's opinion, as likewise from the substance of the House's writ, that, were writs to be brought, none can be brought. And that has been a constant opinion of the courts at Westminster Hall, the judges having, upon every occasion, when the right of parliament have fallen under their consideration, in all their deciding that nothing of that kind is within their jurisdiction; nor can those judges of any jurisdiction, further than as they are empowered by the common statutes. And that was the reason why the Judges in *Harcourt's Case*, gave the Queen's Bench, was reversed in the Exchequer Chamber, because it was a thing passing parliamentary capacities; the House of Commons having the sole power of determining matters relating to elections and returns, except in statutory cases. Nay, the court of King's Bench had declared, they could not have proceeded in that action of *Detention*, but had been prevented by a precedent Judgment given the House of Commons. But the gentleman to Exchequer Chamber thought, that even the determination of the House was not a sufficient authority to the courts below, to hold plain an action relating to the rights of parliament, though the action was grounded upon that determination, and therefore they reversed the Judgment given in that action, and (whether mightily wrong or otherwise, in that case) determined not afterwards entered in the House of Lords, so that it is plain, even the last themselves were, at that time, of the sentiment of the judges, that is, that which concerned elections was cognizable at Westminster Hall. For otherwise they could not have reversed the Judgment given in the Exchequer Chamber, which was grounded equally upon that action. This appears further, by what their lordships did in the Case of *Ellis v. Gibb*, against whom Judges had been put in the King's Bench, for what they had said done in *Westminster*. In the year 1703, the House of Commons voted, that the Judges given in the King's Bench against those persons was illegal, as being against the privilege of parliament. And therefore was (as I mentioned delivered to the Lords at a conference, with desire of their concurrence to it. Accordingly the Lords sent a message, that they did. Nay, it was so resolved, as to do more than that, to bring a Writ of Error upon that point, which was done, and the Judgment reversed. From whence it must be evident, that the lordships were then of opinion, that the Judges were against the point

always held, that no action would lie upon that statute for a refusal of a great man, because it was prohibited by that statute. So here, the statute forbids the disturbing of any man by force or violence to make free elections, the Jury have found, that the defendants did so; that case manifestly distinguished from the plaintiff's case, being in the defendant's and, by a fair comparison and operation of law, this action is maintainable.—Lordships say, that is a new action never heard of before. It is true, this particular action was never brought before; but actions of the same kind and nature, and grounded on the same principles and reasons of law, have been brought before. As the plaintiff's case, when you say, 'I could give you many instances of this kind.' Was it ever heard, 'till the sixth or fifth Car. 2, that an action lay against an officer, for dropping a poll on one who stood candidate for a borough-member? The mayor denied the poll, and said, he was judge of the election; and upon that the petition issued brought his action, and recovered. At the same time it was said, there was no such action heard of before, but true, not that species, but the genus was heard of. Another action was brought 20 Car. 2, (which was never heard of before) against a mayor, for refusing the plaintiff's vote for a borough mayor.—I believe every body knows, that all the law books for this year have, that the Parliament has liberty to go into any estate of a person or for him, to see if he cannot waste. And no action was ever brought till 10 Jac. 1, by a reverend against a baron for his wife refusing to let him in to see whether waste was committed. No action was ever brought against a merchant of a ship, for the negligent lashing, and loss of goods on board his ship, till about the 24 Car. 1, and yet the action lay. There was another action, in 14 Car. 1st's time, brought for a false and malicious prosecution of an indictment of a man for treason. There was the same objection, and it was said, that this would deter people from prosecuting. And no body ever dreamt of a before, it is true, but it stood upon the general reason of the law, if you do me a wrong, I must have a remedy. And as to what a worthy gentleman hath said, that there are instances of a common law, which men shall recover, and yet have no damages: it is true in real actions, but let him give us an instance of that in an action of the case. He recovers nothing there: if he does not recover damages in real actions, he recovers the land itself."

Members. "The question, the question."

Mr. King. "I find gentlemen are very uneasy, I will trouble you no further."

Members. "Go on, go on."

Mr. King. "I agree the determining the right of elections belongs to the House of Commons; and they ought to apply to the House of Commons in that case. And I shall not depart from that, I think I cannot, without running the contradiction; but that which I say is,

that this action does not at all relate to the right of elections. This action is brought upon that both an undoubted right of the plaintiff as officer for maliciously refusing vote. But the case that had happened in country, for the law would have been the same; that a freeholder, who had a right vote, but had not an vote in the election, though he knew he was a freeholder, yet should maliciously refuse his vote. The sheriff does this man no injury, or this man does not bring his action, because the person he would have voted for is returned, and it is because there is an injury done to his franchise. If I thought the right of elections was concerned in this case, I would go as far as any, for I think that does belong to the House, but I do not think this is concerned in the present case."

Sir Thomas Littleton. "I shall be done this more impudently. It has been discussed whether this be a privilege, or a burden, let them think it a burden that call it so. It is a burden it is such a burden as some suppose a great part of their estate for, it was a privilege. I think this resolution will be proposed, tends to the encouraging one to impose another man's franchise without equitation, which I believe is not very consistent with law or reason. You have no doubt a power of punishing the offenders, but you cannot give damages. I think, this is a plain case, here was a man who had a right to vote, and was not admitted."

Members. "No, no."

Sir Thomas Littleton. "That is admitted upon the judgment; for the case is made upon the right, and if he had not proved his right, he could not have recovered. then if he was denied his right, no body will say, we can give him damages. What would you have a poor man do, come with a petition, and his counsel will not red the parchment for a month together. The man it seems thought it better to go away. I think if he had complained, we might have punished the officers; but for damages, could have them no way but that.—Suppose the judges in Westminster-hall had been opinioned, that this action did lie, and the petitioners had brought a Writ of Error; did you have and in a case where a man had been denied his privilege of voting, if the law had given damages, if the Lords had said so, that shall be no action? I think the Lords have done what is right, I think they have relieved the person injured according to justice; and it does not interfere with rights, for he founded his action upon your determination."

Members. "No, no."

Mr. St. John. "Mr. Freeman, I desire to hear the question read."

Accordingly Mr. Freeman, in the chair read the question again.

Mr. Sergeant Hooper. "A gentleman that sits here but once, and pleases to see, that if he doubts the right of electing members we are very concerned in this question, he would come freely into it. I know not what that gentleman means by it; but believe all future elections will depend much upon the determination you make now. If you give the Lords the power to take cognizance of members sitting in that are, we must come to them to know whether we have a right to sit here. The gentleman will, however, not tell whether sitting here is a burden, or a privilege;—where it is a privilege to some, who by sitting here obtain a good place; but I think as an estate, it may be looked upon as a great burden, to come up and spend a great deal of money for the public service; and all the privilege that I know they have, is to protect themselves, and serve their country.—There is no advantage in thing that may be brought into the House of Lords, if you countenance demands for jurisdiction they have now. I then oppose them. You know whatsoever, as it belongs to any temporal jurisdiction, may be there determined. I will still suppose, notwithstanding what is objected against the judges, that they will do their duty; but Westminster-hall will be a barrier, for whatever is there determined, may be brought by writ of Error into the House of Lords, and they will determine it as they think fit. In the Case of *house and themselves*, the law was taken to be, that Westminster hall had not a right to interfere in these matters. What then hath we allowed the law, unless the Lords have the legislative power in them? And that I dare say they will have; you allow that.—Then I must take notice of those the report now before you, that have a very mode, which if it had been made in another jurisdiction, I should have given a hard name to it—I think, in the first place the party should be brought in by the court's process. When errors are to be assigned, there was to go out a *Scire Facias*, which is the queen's writ; but here is only a *Subpoena*, and for what? It is the party shall you issue upon the writ of Error. Suppose Westminster had been a release of money, would he have paid more upon the return? And yet it is now so ordered before the party is tried. I say, if they have a jurisdiction, they may ought to be called in by *Scire Facias*: not to judge, or pronounce, but great execution of process, but it must be in the queen's name. As for your question, I come briefly to it."

Mr. William Stoughton. "Mr. Freeman, I think this question depends upon two parts, the first is the best way to divide your jurisdiction; the second is the right and privilege of this House, and I think every body will come up to it, and as I would not learn that belong to the House of Commons, I would not learn any privilege of the House of England, whom we have re-

present. As you are the privilege of this house, so the other concerns the Wharves of the people of England, who cannot otherwise come to a remedy when they are abused in this manner. The gentleman that called it a hard service, if he could tell his country so, I believe he ought be excused, and they would send another in his room."

Mr. Walpole, (afterwards Mr. Robert, and Chancellor of the Exchequer). "I will trouble you very little at this time. I think the point of knowing and how best to be so well spoken to, by those learned gentlemen that have been against the question, that, if I may be, I should say nothing more to that. But I think the question as it is going to be put, is not right, for as the question stands, though I can't give my negative to one part, I think it is impossible to give any assistance to the other. The matter before you comes to this single question, whether you will encourage, and give a power to an officer, be he whom he will, to act arbitrarily, or rather these, or such vote, to do something in favour of the electors? I am sure if I desire to be elected by those that are the right, I would never give the officer an authority in the judgment of the electors. When you come to say, that the sole judging of the qualification of the electors belongs to the House of Commons only, those I apprehend, are words of our large extent and consequence. Suppose there was an action brought upon the last set of parliament, for a false or double return?"

Mr. Freeman. "There is an exception in the question as to that."

Mr. Walpole. "I have there no but suppose an action is brought upon this return, the officer may have proceeded with the greatest impartiality, may have taken the poll with the greatest exactness and justice, and there may appear to be an equal number of votes for each candidate; whereupon he makes a double return, and this brings it to be determined by the committee of elections, and they vote one of them duly elected. This gentleman that has the favour of the committee, (though afterwards possibly it might be made appear, that by bribery or corruption, and a great expense, he procured himself to be elected,) after you have voted him duly elected, he hath nothing to do but to try his action, and see if he can make his double damages amount to his expenses. The first thing he is to do is to produce the vote of the House of Commons, that declared him duly elected, contrary, perhaps, to the last determination of parliament, which in every place is to be the guide to the returning officer. But shall there then be given an evidence as qualification of the electors? Nothing to prove that the persons admitted to vote were qualified according to such last determination? Or shall that vote of the House of Commons, that was recorded only as brought in the House, re-

cover him 5 or 600*l* damages? I take it to be so as the law stands. Now it ought to be seen who hath the greater number of legal votes, and whether duly qualified, and in that case you must suffer the matter again to be tried by the court, and you do, in short measure, make them judges of the qualifications of the electors; if it were otherwise, there could not inquire into the suffrage of legal votes.—What happens in the case of a mayor, may be in the case of a sheriff. If a mayor or a sheriff may deny a man his vote that hath an uncontested right to a corporation, a sheriff may refuse a freholder, and strike off enough to make a majority for whom he pleases. You had once the case before you, whether a sheriff could refuse a citizen, and one or two gentlemen would have given that power to a sheriff, but a learned gentleman thought it a dangerous question, and he desired to come to the words of the election; and that was determined, and you noted the words, whether duly elected, and thought it a dangerous thing to determine whether the officer had that power any way or another? I think that part of the question, which concerns the qualification of the electors, ought to be left out."

Mr. Freeman. "I will read the question," (which he did.)

Morgan of Haddington. "Sir, I think it is a constant rule, where a question is complicated, it is the right of every member, if he desire it, to have the question divided, and I think it regular to do it by an amendment; and therefore I second that worthy gentleman, that you would leave out those words that relate to the qualification of the electors."

Mr. Salter General. "My Lord is undoubtedly right in what he desires; that if there be any words in the question in which gentlemen have a dislike, that question is not to be put, but, only whether those words shall stand part of the question. Therefore if those words of the qualification of the electors do give offence, it must be put, Whether they shall stand part of the question? But I hope at the same time gentlemen will apprehend, that leaving out those words, leaves out all you debated on."

Mr. Christopher Morgan. "No doubt, if any question is complicated, gentlemen do not know how to give an affirmative or a negative, and you must divide it. But I hope gentlemen will consider the latter part of the question as the main thing wherein you have debated; for, if you do not assure that you have the power of determining the qualifications of the electors, you give up the right of the Commons of England. I do agree that the question may be divided."

Mr. Freeman. "That which is debated now, is, Whether these words shall stand part of the question?"

Mr. Thomas Mordaunt. "Sir, I think the question ought to be divided."

Mr. Freeman. "The question, as I lay upon my Paper, is thus."

"That according to the known law and usage of parliament, neither the qualification of an elector, or the right of any person elected, is cognizable or determinable elsewhere than in the Commons of England in parliament assembled, except in such cases as are specially provided for by act of parliament."

"But some gentlemen are for leaving out the words, [“Neither the qualification of an elector, or”] So that I must put a question. Whether these words shall stand part of the question?" (Sedition. *Appl. Appl.*)

Then Mr. Freeman put the Question, as the Commons desired.

Teller for the Ayes, Mr. Gale, . . . 41

Teller for the Nays, Mr. Wylde, . . . 41

So it was carried, that those words should stand part of the question.

And the words Question being put,

Resolution of the Commons on the Case.
Resolved, 1. "That according to the known law and usage of parliament, neither the qualification of any elector, or the right of any person elected, is cognizable or determinable elsewhere than before the Commons of England in parliament assembled, except in such cases as are specially provided for by act of parliament."

Resolved, 2. "That the knowing and determining the qualification or right of an elector, or any person elected to serve in parliament, in any court of law, or elsewhere before the Commons of England in parliament assembled, except in such cases as are specially provided for by act of parliament, will violate all oaths, hushes, and other solemn, where obliged to take the oath, and make a true shew upon, to independency of nature, reason, will, and unapprehensible aspects, and will put them to different and independent judgements, and inconsistent determinations in some case, without relief."

Resolved, 3. "That Matthew Ashby be in contempt of the jurisdiction of the House committed and prosecuted on action at common law against William Wile, and also the constable of Ashbury, for not coming before the House as an elector of burgesses to parliament for the said borough of Ashbury in quality of a burgess of the parishes of St. Giles."

Resolved, 4. "That whoever shall come to converse or prosecute any action, suit, claim, or contention at common-law, shall bring the right of electors, as persons elected to serve in parliament, to the determination of any other jurisdiction than the House of Commons, except in cases specially provided for by act of parliament, in person and person, and all attorneys, clerks, counsellors, sergeants at law, solicitors, or pleading in any such case, guilty of a high breach of the privileges of the House."

Ordered, "That the said Resolution be put

of an *Windsor-Hall Case*, signed by the

These Resolutions, with the (to wit,
Resolved, 1. "That according to the Law
and usage of parliament, it is the sole right
of the Commons of England in parliament as-
sembled, except in cases otherwise provided for
by the Commons, to examine and deter-
mine all matters relating to the right of elec-
tion of their own members;" before passed
by the Committee, were reported to the House.

[*John Thomas.*] January 26, 1794. Mr.
Fox moved the first Resolution agreed
to by the Committee, the first Resolution was
not passed, but after the second Resolution

"That according to the Law and usage
of parliament, neither the qualification of any
member, or the right of any person elected, is
examineable or determinable elsewhere than be-
fore the Commons of England in parliament as-
sembled except in such cases as are specially
provided for by act of parliament."

Resolved, that the second time by the clerk, the
question (standing in order) being proposed
was, whether the House in that Resolution,
in support of the right reserved up in his place,
advised to this effect.

Marquis of Hertford. I do not expect
to have will be at a different opinion from
the House, but I think it is my duty,
as I am informed what you are doing will be
a contribution to the constitution, to give
opinion to every step. I think it will be
to the very benefit of the House. If
the House had been allowed formerly, I think
it would have been in need of taking away
the right, and of your members; by the
right of others they might have filled
the House with what members they had please
d, and then they would have voted themselves
disfranchised.

William Stothard, Mr. Speaker, I
was agree to the Resolutions; I think it de-
mands the people of England of their birth-
right. For they who have freeholds in any of
the counties, or freeholders in any corporation,
have the right to vote in elections to par-
liament, as they have to their estates. And if
parliament would subject them to such
proceedings, that a sheriff, or any
other, was doing them this injustice, give
to say, I must be always against any
things for though you can punish the
you cannot give any satisfaction to him
in the way.

John. Sir, I do not rise up to trou-
ble but to speak to one point that
is raised by a noble lord over the way
as to whether any man shall of duty
against the rights of the people; but
no, because I take it to be the great-
est for their liberty. The noble lord

was pleased to take notice, that in the conse-
quence the crown would have a great influence
on those that are to return the members of the
House of Commons; and when they were in,
they might vote for one another. I cannot
think that the liberties of the people of England
are under any hands below, or that the in-
fluence of the crown will be stronger here than
in other courts.

Marquis of Hertford. I think that gen-
tlemen have not answered what I said. I
should never have any suspicion of any that as
to the House now; but when those that have
no right are returned, and make a majority, I
think it will not be safe.

Mr. Wood. I do not apprehend that con-
sequence from the Resolution. I think if it was
so, this should have been offered before the
first Resolution was passed, which hath passed
in the House and Committee, was the contradi-
ctory; for you cannot determine the right of
any member sitting here without determi-
ning the right of the election.

Mr. Lowndes. I cannot but think it will be
better to influence the House to get an ill vote,
than it will be in another place. However, if I
am a freeholder, and have a right to vote in a
county, or a freeman, and have a right to vote
in a borough, by admitting persons to vote that
have no right, it may be as much prejudice to
me, for that may make my vote signify nothing.
And there is as much injury any way as the
other. If all the people of England who have
a vote, should go together by the name of *Wes-
minster-hall* and dispute, those who have a right
vote, and who not, I believe the judges of the
common-law and noble peers of the other
House, would be glad, in a little time, to re-
store the right where it is, it would be as
much confusion. If gentlemen are not satis-
fied already, they may easily be so. That there
is no defect of power in the House, but they
have a power to do justice to all sorts of elec-
tions, and I hope every body will take care not
only to maintain the rights of the people that
seek them, but the trust lodged in them,
which they cannot depart from by the rules of
justice.

Then the second, with the other three Re-
solutions passed in the Committee, was agreed
to by the House without a division, with the
amendment only, of leaving out (at common-
law) in the fifth Resolution.

But the House, though they voted *Abolish*
guilty of a breach of privilege, in commencing
and prosecuting the said action, yet those hav-
ing been no violation of the House in that
case before, they made no order for taking him
into custody, as usual in cases of breach of pri-
vilege.

PROCEEDINGS IN THE HOUSE OF LORDS
Upon these Proceedings of the House of Com-
mons, the House of Lords appointed a Com-
mittee, who drew up *The History of the Case*

upon the Writ of Error in their House; which was adjourned.

The Report of the Lords Commissioners appointed to draw up the State of the Case upon the Writ of Error, lately depending in the House of Peers, wherein Matthew Ashby was plaintiff, and William Wharm, and others, defendants. With the Resolutions of the House of Peers, relating thereto.^a

Against William Wharm, &c. at l.

The Plaintiff in the action declares, That the sixth of December, in the 18th year of King William the 3d, a writ issued out of Chancery, directed to the sheriff of Bucks, commanding, That the king had ordered a parliament to be held at Westminster, on the 6th of February following. The writ commanded the sheriff to cause to be elected for the county new-borough, for every city two citizens and for every borough, two burgesses, which writ was delivered to the sheriff, who made a precept in writing under the seal of his office, directed to the constables of the borough of Aylesbury, commanding them to cause two burgesses of the said borough to be elected, for which precept was delivered to the defendants, to whom it did belong to execute the same. By virtue of which writ and precept, the burgesses of the borough, being assembled, did assemble before the defendants to elect two burgesses; and they being so assembled, in order to make void elections, the plaintiff being then a citizen, and inhabitant of that borough, being duly qualified to give his vote at that election, was there ready, and offered his vote to the defendants for the choice of Mr Thomas F-n, but, said James Mayne, esq. and the defendants were then required to remove and silence of his vote.

The defendants being not ignorant of the premises, but contriving, and fraudulently and maliciously intended to defraud the plaintiff, and to defeat him of that his prebend, did hinder him from giving his vote: so that the two burgesses were elected without any vote given by the plaintiff, to his damage, &c. upon not guilty pleaded, the case went down to trial, and a verdict was given for the plaintiff, and five pounds damages, and also costs.

It was moved in the court of king's bench in arrest of judgment, that the writ did not lie, and that point was argued by counsel, and afterwards by the Court.

^a 22 Martin, 1701. "It is ordered by the Lords upon this, and was read in parliament assembled, That the report made from the Lords commissioners appointed to draw up the State of the Case upon the Writ of Error, lately depending in the House, wherein Matthew Ashby was plaintiff, and William Wharm, and others, defendants, and the Resolutions upon the day relating thereto, shall be forthwith printed and published. Which was done, &c. from Parliament."

† *Blackell's Reports*, Vol. IV, in Case

The Lord Chief Justice Holt was of opinion, that judgment in this case ought to be given for the plaintiff, viz. Mr Justice Powell, Mr Justice Parnet, and Mr Justice Gold being of different opinion, judgment was entered for the defendant: Whereupon the plaintiff brought a Writ of Error in parliament, and the case being argued at the bar of the House of Lords by counsel, and two of the judges, who were present in the House, being heard, the matter fully debated by the Lords, the

* The Case of William Wharm, Richard Foyne, William Bell, and Richard Hetherington, students of the town of Aylesbury, in the county of Bucks, in the year 1700. An Aylesbury writ brought in the House of Lords by Matthew Ashby, upon a Judgment given for the county new-borough in the court of Queen's Bench last Michaelmas Term, as drawn up by the counsel, and presented to the House.

The Plaintiff, Ashby, being a poor, indigent person, and coming to settle in Aylesbury, one of the parishes of the poor there named him to the parish where he would give a security for the parish burthen, and to the payment of the plaintiff in the next justices of the peace, in order to remove him. While this case was in controversy, the election for burgesses of parliament came on, and the said plaintiff offering himself to be polled, the assent (from the defendants) refused to receive his poll, being, at their opinion, no valid election, and did he give attendance to a church or house, either before or since the time. After the election was over, the plaintiff brought his appeal on the case upon the court files, wherein he was heard, but had leave to call for burgesses three, and at that election he offered to poll for Mr Thomas Foyne, and Mr. Mayne, and that these burgesses refused to receive his poll, which was of 100l.

The counsel pleaded Not Guilty, and the case a trial was had at the court of King's Bench, and Ashby got a verdict against the defendants, and had 5l damages given.

Whereupon, according to the custom of that, and all other courts, it was moved in arrest of judgment in the Queen's Bench, where the case was brought, that notwithstanding the verdict, which only found no valid election did by law be against the defendants; and after several arguments, and on last at the Bench, where, as was the Chief Justice, held, that the writ did not lie, and so judgment was given accordingly.

And now the plaintiff, Ashby, hath a Writ of Error in parliament.

The defendants conceive the plaintiff the Queen's Bench well warranted by

1. No such action hath ever been maintained by the many elections been contested, there was no possibility of a writ, and it hath

of opinion, that the judgment given in the *W. v. B.* case was erroneous, and that the plaintiff had a good cause of action, and ought to have judgment.

To sustain this opinion, three points were laid down:

I. The plaintiff, as a burgess of the borough, had a legal right to give his vote for the election of parliament burgesses.

II. That, as a necessary consequence thereof, and as it was incumbent on that body, to have a remedy to assert and maintain it.

III. That it is the proper remedy which the plaintiff had pursued, being supported by the grounds and principles of the ancient common law of England.

To make good the first position, that the plaintiff has a legal right to give his vote at the election of burgesses for this borough, it was said, that it is well known, the House of Commons consists of knights, citizens, and burgesses.

The knights of shires represent all the freeholders of the counties. Accordingly, every the freeholder had as much right to give his

own free opinion of all lawyers, and others, in all ages, that such action would not lie.

I feared, acts of parliament have been made to give remedy by actions in Westminster-hall, in some particular cases of election to parliament, where there was no remedy at common law in those courts.

It there were more but three actions upon the case brought by Candidates for false returns, viz. *Newell's case* in the last session, and so named *Barnardiston's case*, and *Quaker's case* the same sitting Chapter 1, in all which upon the defendants prevailed upon the point of law, viz. that such action would not lie. And such action doth not lie for one elected, much less will it lie for an elector.

It is against every action upon the case, that shall be damage, in present, or a possibility of damage in future, which shall cannot lie in this case, unless it be presumed, that, contrary to act of parliament, the plaintiff was to have money for his vote.

If there was damages, (which there is not yet it cannot be pretended there was none, and 'damages' *damages* means, is not sufficient to support an action upon the case at the common law, if the lawful person present in clerk to the bishop and he refused to do so, it is answered, no action upon the case.

If I think the bishop, but a private refusal, is not a case of law, no damages will lie, which is a much stronger case than this.

It is not so to be compared to other cases, where a party hath no remedy elsewhere than Westminster-hall; for here the plaintiff has a proper remedy by applying to the court of common law, although the election is contested by the candidates, and parties.

refracts, as the greatest owner of lands in the country. The right was a part of his freehold, and inherent in his person by reason thereof, and to which he had an equal title, as to require the natural profits of his land. This appears by the statute in 2 Hen. 6, cap. 7, which relates the great inconveniences which did arise in the election of knights of the shire, by men that were of small substance, who pretended to have an equal right with knights and esquires of the same county, therefore that right was abridged, and confined only to such freeholders as had 40s. per annum. But thereby it appears, that the right which a freeholder hath to vote in the election of knights of the shire, is an original and fundamental right belonging to him as he is a freeholder.

The second and third part of men, which compose the great representation of the people of England, are citizens and burgesses, who, though they differ in name, yet are in essence and substance the same, for every city is a borough, and, as such, sends members to parliament.

There are two sorts of boroughs, the one ancient, the other more modern.

ancient, cases are to be determined in parliament. And therefore,

7. It is answered, that, since the matter concerns the election of members to serve in parliament, the courts of Westminster-hall being not empowered by an act of parliament in this case, have no reputation in it, but the House of Commons have the determination of it: And this jurisdiction is confirmed to them by parliament; for by the act 7 and 8 Will. 3, cap. 1. If any person shall return a member to serve in parliament, contrary to the last determination in the House of Commons, of the right of election, in such place the return shall be adjudged a false return; by which it is evident, that the Commons are the only judges in all matters where the right of election may come in question, as it must of necessity do, in all cases where the question is, who was the elector.

If this action should prevail, the chief magistracy, in all places where the election was made, would be in a miserable condition upon every new parliament, by reason of a multitude of actions, which probably would be brought against them upon all contested elections, and by the different judgments that possibly may be given in the House of Commons, and in Westminster-hall, touching the same elections.

8. The having it to be that false of members (which are given to be electors words of course in actions on the case) cannot give a jurisdiction where it was not before, and, if those words shall be sufficient, by being answered to a man's return, almost all a man's actions may be brought into Westminster-hall by those words, and subjected to the power of a jury.

T. Poore, Cox. Patens.

Of the first sort are the most ancient towns of England, whose lands are held in burgage, and by custom thereof had the right and privilege annexed to their estates, of sending burgesses to parliament. The second sort are those towns and boroughs that have a right by prescription, some immemorial, or by charter, within time of memory, to choose burgesses to parliament: both these are upon several foundations, the one as belonging to these burgages, the other as belonging to their corporations; the first is a real right belonging to their houses and lands, the other is a personal right belonging to their body-politic.

As for the first, it is sufficiently described in *Leichard's Tenures*, Sect. 109, 103, 104. A town in burgage is a tenure in socage, and is called a tenure in burgage, because these are the most ancient towns in England, and from thence came the burgesses to parliament, and they who have this privilege, have it as belonging to their estates or possessions.

The other right of choosing parliament burgesses, is not annexed to any freehold or estate in possession, but vested in the corporation of the place, and is created in this manner, viz.

When a town was incorporated, a grant was either then, or after, made to the body politic, that they should have two burgesses for parliament, to be chosen either by all the freemen and inhabitants of the place, or such a selected number as was prescribed by the charter.

The inheritance of this privilege is in the whole corporation aggregate, but the benefit, possession, and exercise is in the persons of those, who by the constitution of these charters, are appointed to elect.

And in all cases, where a corporation hath such a privilege, the members thereof, in their private capacity, have the benefit and enjoyment thereof, because the corporation, as such, is not to be represented: For it is not necessary that it should have any estate, but by being a corporation, they have only a capacity to have estates. Hence the Mayor and Portreeve. For as the citizens and freemen of a place are incorporated for the better government of those of the place, so a due privilege of having burgesses gives for the advantage of the particular members thereof, whose estates are to be bound by the acts of their representatives.

And therefore the wages of citizens and burgesses were always taxed, not upon the estates or goods of the corporation, but upon the goods and estates of the members thereof.^a

It appears by other instances, that it is usual and proper for corporations to have estates granted to them, which serve to the advantage of the members in their private capacities. Hence 335. for Thomas Waller versus Mayor of London, that no privilege be paid for wages of the citizens and freemen of London. This

seems to the benefit of every citizen and freeman of London for his own wages, in which incorporation of the city hath no interest.

But there is no such notice in the law of England, as a right without a remedy.

The same thing appears by the Case of Waller and Spenshaw, 1 Sess. 545 and 171. *Case of Mayor and Citizens of London versus Mayor of London*. It sufficiently appears, that though the inheritance of this franchise be in the body politic, yet it is for the benefit of the particular members thereof. And it is certainly a good advantage for the men or inhabitants of a place to choose persons to represent them in parliament, who thereby will have an opportunity and be under an obligation to represent their interests, and advance their profit.

Of this open to learn, two parliamenters have an appearance by two several acts, the one is 22 H. 8, cap. 12, the other 22 Car. 2, cap. 1. The first is an act for making knights and burgesses within the city and bay of London, which begins in this manner, In humble request to your majesty, the inhabitants of your grace's county of Middlesex of Chertsey, that the being excluded and separated from your high court of parliament, to have any burgess within the said County, by reason whereof inhabitants have sundry sundry sustained losses, and damages, as well in their bodies goods and lands. Therefore it was enacted that they should have knights for the count, and citizens for the city of Chertsey. The second act, which constitutes knights and burgesses in the county Palatine, and city of Durham, is such, that the inhabitants thereof have the liberty and privilege of electing knights and burgesses to the high Court of Parliament.

The application of these two acts is two ways; the first such, to be excluded from sending knights and burgesses to parliament, and damage to lands, goods, and body; the second such, that it is a liberty and privilege to elect them.

Thus the right of election is explained, as shown to be a legal right.

That of electing knights of shires, belongs to and inheres in the freehold.

The other, of electing burgesses, belongs to the citizens and freemen to the real estate of inhabitants; and as officers, as stated in corporations, for the benefit of the particular members, who are the electors; the benefit which is a great benefit and advantage to people thereof, and will prevent great losses and damages that otherwise would ensue.

It follows, that in consequence of this right or privilege, the possessors thereof have a legal remedy to assert and maintain.

It was said, that there are many rights which a man has no remedy by the law, as in case of a legacy given, if it be paid, the party cannot bring an action. This is very true, but not applicable to the present purpose; for the constitution of the

his government has wisely distributed to several courts, the determination of proper cases, but has left no subject, in any case where he is injured, without an adequate remedy, in the writs to the right place for it, if a man will seek for a remedy in common law, or a remedy, which by our constitution is to be pursued in the Ecclesiastical Court, it is his own fault if he do not recover; as it would be, if he should begin a suit for land in the Court of Admiralty, or go for equity to the Common Pleas.

He who loses or quits his remedy, loses his right; if a man has a bond for payment of 100*l*. he has no remedy to recover that money but by action: therefore, if he releases all actions, he loses right to the money, because he surrenders away the means to recover it. Coke's 4*th* Rep. 55, *Bredman's Case*. If a man purchases an advowson, and at the next avoidance offers an incumbent, and brings out the proper evidence in court, he hath had all manner of remedy, and to compensate his right, in which matter he and his heirs can never be restored. If a man not look very strongly at a constitution is formed, that the Commons of England have an authorized share in the legislative authority, which is to be assumed by their representatives chosen by themselves, in which every freholder of 40*sh* per ann. hath a right to vote for a county, every citizen for a city, and every burgess for a borough: that, if the sheriff, or other officer, who is to cause the elections to be duly made, shall hinder or deprive any of their election of his right, the person injured shall have no remedy, though the injury be done to such a right, upon the security, wherewith the lives, liberties, and property of all the people of England is much dependant.

That the defendants, in this case, by hindering the plaintiff from voting, have done all, that he has desired, because they have excluded one who has a right from his vote. Thus, if he himself had given objection to the party injured, it redoubles the injury, which is almost as great as tolerable to any government.

There was much weight laid upon the case of *Ford and Holman*, 2 Cox. 305, 31*st* Mo. 117, which is, that where, by the custom of the manor, every tenant for life might name his successor for his life, whom the lord is to admit; if one be named, and the lord refuse to admit him, it was held, an action on this case could not lie, because the necessary link was not cut being obstructed. But the reason for that third opinion shows it has no relation to this case, for the plaintiff's right of voting is not lost, without any personal admission; denying though it should be lost, there is action well for not giving a right, namely to success next life, for depriving and hindering a man to enjoy a right that he hath.

When an statute requires an act to be done for the benefit of another, or to forbear the doing of an act, which may be to his injury, though an action by writ is against some by

their statute, for the omission or commission, the general rule of law, in all such cases, is, that the party injured shall have an action, *Coke* 12 Rep. 75. *The Case of the Marshalsea*, 22 Rep. 204, Co. Mo. Car. 105. This is a common ill rule and approved of by all ages.

There is the same reason where the common law gives a right, or prohibits doing a wrong; but in this case an act of Parliament is not wanting for the statute of West. 1 c. 2, enacts, That elections shall be free, if he who hath a right to vote be hindered by him who is to take his vote, or to manage the election, that election is not free, with no impediment is a manifest evidence of that statute, as well as an injury to the party whose vote is refused. The statute of West. 1, shows what opens the king and parliament's hand, of the great consequences it was to the whole realm, that people should have their freedom in elections; and thoughtful persons have a reflection before, as appears even by the statute itself, the words whereof are, That no knight to be here; yet it was judged necessary to add the words of an act of parliament thereto, the king commandeth, open great violence, that no great men, or others, by force of arms, or by suborn, or contrivance, shall attempt to make free elections. The defendants did not, by force of arms, drive the plaintiff away from the election, nor by violence, deter him, but they did unlawfully hinder him for it is changed by the statute in the Declaration, and it is found by the jury to be done by fraud and in direct viol to the defendants' resolution, within the very words of the statute of West. 1. Where the law is so clear as to the right, and the duty so exactly expressed by act of parliament to be observed, it seems a great presumption to make it but a light thing.

It being apparent that the plaintiff had a right, and that the defendants have done him wrong, and that by consequence of law he must have some remedy to vindicate his right, and to repair the wrong.

III. The third thing to be shown is, that the remedy the plaintiff pursued by bringing this action, is the proper remedy allowed by the ancient law of England.

The action is that which is called in the law, an action upon the case, that is, founded upon the particular case of the party injured.

The law, in all cases of wrong and injury, hath provided proper and adequate remedies.

1. When a man is injured in his person, by being beaten or wounded, the law gives him an action of trespass, assault and battery; if by being imprisoned, an action of false imprisonment.

2. If his goods be taken away, or trespass done upon his house or lands, an action of trespass lies to repair him in damages.

3. If a man hath a franchise, and is hindered in the enjoyment thereof, the proper remedy is an action upon the case.

The plaintiff, in this case, hath a privilege

and a freehold, and the defendants have disturbed him in the enjoyment thereof, in the most essential part, which is the right of voting.

4. Where any officer or minister of justice, executed with the execution of the process or law, therein requiring an assent of the electors against him. If the sheriff will not execute a writ by showing the jurisdiction, or taking his goods, the plaintiff shall have his action upon the case, because he refused to do his duty, to the plaintiff's damage.

The pretext which the defendants received from the sheriff in this case, was founded upon the king's writ, and the defendants are constrained to show two purposes to be intended for the borough of Aylesbury, of which they are to give notice, and to elect every one who hath a vote to make use of it; if they refuse any man to vote who hath a right, they are contrary to the duty of their office.

It was objected, that it did not appear that a person in whom the plaintiff stood, were elected, nor that they would have been elected if he were had been admitted.

The answer is, that it is not material whether the person for whom the plaintiff stood was chosen, if his vote had been taken, his right and privilege to give his suffrage, to be a party in the election; if he be excluded from it he is wronged, though the persons for whom he would have given his vote were elected.

The right of voters may agree upon the refusal of the vote, and is never to be made better of a vote by the voters, which is a matter *ex post facto*.

It was used in the arguing this case, that the plaintiff had no damage; or at least, that there was no such injury or damage done to him as would support an action.

The answer is, that as the law will never remove any such thing as injury or damage. Every injury imports damage in the nature of it. If a man pick a lock, and commit an house without the consent of the owner, perhaps there is no pecuniary damage done to the value of a building, yet the owner shall have an action against him, and recover damages for the invasion of his possession and property. There are many cases of the same nature, which have been decreed upon this ground. In the case between *Staring and Turner*, 21 Car. 2. in com. bar. (see Volume first part, page 208.) and afterwards in *lawing*. The plaintiff *Turner*, amongst others used to be one of the Bridge-Masters of London Bridge, which office is to be elected by a common hall of the city of London: the question was, who had the greatest number of votes? the plaintiff demanded the poll; and the defendant, being then Lord-Mayor of London, refused it. It was adjudged, that the action was maintainable for refusing the poll, because every constable has a right to have; and though perhaps if the poll had been granted to the plaintiff in that action, it might have been against him; yet the denial of that right

was a good ground of action. Upon the same reason, the case 22 Ed. 3. 18. was determined; and also the case of *Hunt and Dorman*, 22 Ed. 3. 21. 21. 22.

It is apparent by what has been said, that the plaintiff in this present case had his action, whether desired his right, and might require him to demand that he should do so, so to make it differ from other cases, though on that purpose several matters were argued and controverted. At last, that this would be a question of many actions.

If this be so, there is the greater reason to support the action, in petition the many men that have been done, which will presently more of the like nature. If officers make remedies against them ought to be advised. If other officers of boroughs have been, it will be easily on the like consideration, or more benefits have been, it is fit they should be liable, as these defendants are, to make satisfaction. If one man be hurt and oppressed, or any objection is, not his having an advantage over all others who shall be as if several of both have, shall have the like remedy; only means to hinder corporations, that will become frequent among those officers of boroughs and corporations, is, to let down such they are obedient to the law, and that the parties must make satisfaction to all whom they shall injure in this manner. It is true, if we will which tends to the injury of many people be considered, no one person injured shall be allowed to have an action, because the right have the same. *Co. 2. Rep. 12. B. Hunt's case*, 2 Cr. 664. *Turner ver. Haverle* in the case of not saying damage arises out of a man, as the lord and towns, for stopping of a lane or common way, being the desired us, for one act, would have a multitude of such against him, the injury arising from a multitude: but the refusal of a vote is a damage not the party injured, nor the refusal, can only long as some of the refusal, the others whose votes were not called are not concerned. And if so that dozens are hundred, who have a right, there is a hundred several wrongs, for which he will be liable in as many several actions: no man will make it his business to sue him, and shall for a hundred several men, he make satisfaction to them all. but there is no far from being an objection, that a strong argument to support the action the mayor or bailiff of a borough shall liberty to refuse men who have votes, to make satisfaction to them on his side, then, when will become of elections? the will return him that is elected by a majority his own making, by excluding the others that have right.

This would encourage officers to be partial and corrupt, and to remove those persons whom they dislike, who at least must be exposed to suits in the House of Commons for removal and give reason to the making laws, and thereby of taking away the right of election to the

And though, upon hearing the course
 of the Commons, the matter may be
 at last, yet, what can compensate for
 mischief that may be done in the interim
 time, by the votes of those who
 are particularly interested, and are not the
 representatives of the people of the place who
 elect them.

Further, the before-mentioned rules against
 multiplying remedies, is confined to such cases
 where there is another remedy to be had; but
 where there is no other remedy but an action,
 the wrong does must answer to be every several
 action as there are parties injured. Suppose
 a man will plough up the ground in which a
 leached person have a tithe, he must an-
 swer all their actions. If the inhabitants of a
 town have a common watering place, and a
 stranger stops the current, whereby the water
 is diminished, every inhabitant shall have his
 action, because there is no other remedy.

The injured plaintiff, in this case, has no
 alternative between this action, or indictment
 in, because it is a personal wrong to the party,
 and not wrong to the public, but only in the
 consequence of it, as an evil example, which
 goes to the encouragement of other such
 evils to commit the like contempt; and
 thus any danger to an honest officer, that
 may be to his duty; for where there is a real
 doubt touching the parties right of voting,
 and an officer makes use of the best means to be
 advised, and in a plain has mistake arose from
 simplicity of the case, and not from any
 malice or partial design, no jury will find an
 officer guilty in such a case, nor can any court
 direct them to do so; for it is the fraud and the
 malice that renders the party to the action. In
 the case, the defendant is aware the plaintiff is
 a burgess, and yet fraudulently and malici-
 ously deprived him from his right of voting,
 and justice must require, that such an obstinate
 and unjust municipal officer should not escape
 with impunity.

That the officer is only concerned in this case,
 and not a judge, nor acting in a judicial ca-
 pacity in this place; his business is only to see
 the process, to assemble the electors to
 the election, by securing their votes,
 computing their numbers, declaring the elec-
 tion, and returning the persons elected: the
 sheriff or other officer of a borough is put to
 his duty in this case, but what is absolutely
 necessary in all cases. If an election be
 made for a man's goods, the sheriff must see that
 the man take what goods a man has.

But objection was made in respect to the
 nature of the offence; it was said, never any
 offence was brought.

But the learned counsel, it may be said, that
 there have been many occasions given
 against such a case. It may be hoped, that very
 soon there will be an express provision in a statute
 to that effect, which will be a kind of an in-
 dult. If the case has happened before, per-
 haps the party does of course have that remedy
 which may be his property might be discon-

reged, and think it better to acquiesce. And it
 is probable, the foregoing object would be at
 least as common, as to secure the votes of such
 persons only, as he thought, by reason of the
 manner of their circumstances, were unable to
 vindicate their right. It is not every one
 that has with a man English upon in the
 plaintiff, who could not sit down quietly under
 a wrong done to him, is one of the most valua-
 ble privileges of an Englishman. It is not the
 words of the action that can be urged against
 it, if it can be supported by the old grounds
 and principles of law, the method of law is
 plain, certain, and universal, that where any
 man is injured in his right, by being wronged
 himself, or deprived of the enjoyment thereof,
 he has ground for an action to repair himself.

The *Case of Hunt and Darnley*, which was,
 10 Jan. 1744, 1018, off an action by the defend-
 ant against the plaintiff, for seducing him from
 searching his house to see whether it was in re-
 posse, was never brought before that time; and
 that of *Tower and Stirling* was not brought till
 25 Car. 2.

The law of England is not confined to particu-
 lar precedents and cases, but extends to the
 reason of them; which is much more extensive
 than the circumstance of this or that case:
 "Hæc leges ex animis legibus; et sic condita re-
 latio, he ab omni jure" are known maxims.

An action against the mayor of a ship, for
 that the ship, lying in the river at Thames, was
 robbed, was maintained upon the same reason
 as against a common carrier, viz, such an ac-
 tion was never known until 25 Car. 2. in the
Case of Hunt and Darnley. 1 K. or. 15. James 69,
 Palmer 213. Smith and Croshaw; an action
 of the case was brought for seducement, and
 without any probable cause, seducing the
 plaintiff of high treason: this was the first ac-
 tion that was ever brought in such a case; and
 yet it was adjudged maintainable, upon the
 same reason as upon a malicious indictment of
 seducement, 2 Lomas 120. *Herring and Bland*; an
 action of the case was brought against the mayor
 of a town, for releasing the plaintiff to give his
 vote in the choice of a new mayor: and there
 was not any probable cause, but that the action
 did fail in, though that was the first precedent.

It is granted, that if a burgess, who hath a
 right to give his vote for the choice of a mayor
 be denied his vote, he may maintain an action
 upon the case.

There can be no difference between that
 case and this, unless it can be supposed that
 the right to vote at the election of a mayor
 is of a higher consequence in the eye of the law,
 than a right to choose members to serve in the
 high court of parliament.

This action is not only founded upon the
 reason of the common law, but it hath the
 sanction of an act of parliament, viz. The
 statute of West. 1, cap. 35. Which says, that
 whenever, from thenceforth, it shall become
 necessary, that in one case or more be found,
 and in like case falling under like right and
 wanting like remedy, more be found, the clerk

of the electors shall upon making a writ, and by consent of men learned in the law, a writ shall be made, lest it should happen hereafter, that the King's court might be of interfering justice to commonsense.

The objection next insisted on was, that this is a matter relating to parliaments, and ought to be determined by electors and members of parliaments; and for that reason is not assignable in the Queen's courts.

In answer to this objection, it was shewn, first, that this case is proper to the nature of it, to be determined in the Queen's courts.

2. There is no other person made for the plaintiff, who is highly injured in his right, but by bringing his action in the courts of law, must have power to determine of man's lives, liberties and properties.

Third, the case is the nature of it is proper for the Queen's courts. This will be apparent, if the several rights of electing members to serve in the House of Commons be considered.

The right of electing Knights of the shire is founded upon the elective franchise. Matters of franchise are determinable originally and primarily in the Queen's courts, by the rules and maxims of the common law, by a jury sworn, and by the evidence of witnesses upon oath and, as the right of the franchise is determinable there, so are all liberties, rights and advantages depending thereupon, or belonging thereto.

If a freeholder's vote be refused by a sheriff, what is it should hinder the Queen's courts from trying and determining this matter, like all other questions of franchise, by a jury, upon the oath of witnesses, or evidence in writing, whether the plaintiff that supposes himself wronged was a freeholder, or not?

The right of electing citizens and burgesses depends either upon prerogative or custom, or upon letters patents: these are also primarily and originally cognizable by the Queen's courts, custom and prescription are triable by the country, that is, by a jury of twelve men of that country, where the custom is alleged to be: this is a known law in all cases, without exception.

And, as to letters-patents, if pleaded specially, the court must judge of them; and, if either party contends the court hath judged wrong, he hath his remedy by Writ of Error, till at last it comes where it will receive a final judgment. So that every right which an elector can have, is proper for the determination of the Queen's Court. There are various ways of election in different boroughs, but they all depend upon charter or custom, and therefore are not more difficult to determine, than other franchises or liberties which depend upon the same foundation.

And, whereas it was said, that by a late act of parliament in the 7 and 8 Will. 3, the last determination of the House of Commons concerning the right of election, is to be pursued; it is answered 'tho' that statute said thus, that the

elector who is to make the return is to be sent to return has to be elected, who is chosen by a majority of electors, qualified according to the last determination of the House of Commons; if he do so, he enters accordingly; he is not liable to an action, but the House of Commons itself is not bound by the act. Now, suppose the elector will drop it, and vote, who, according to the last determination, they ought to have one, and that the elector did well know, what is it hinders him to do the right, according to that determination, by bringing his action against the elector who has refused him? It cannot be the act of parliament, for the Queen's courts are by law the last and original exposers of the statute, the realm.

But, secondly, there is no other jurisdiction appointed by the law of England for determining the right, and repairing injury, but the courts of Westminster.

It is a general rule, that a house supposes the jurisdiction of one court, must exclude with another to bring a jurisdiction of the same, but that is impossible to be done in this case.

It was said, that the determination of the right of election of members to serve in parliament, is the proper business of the House of Commons, which they always would be judges of; and that jurisdiction of them is uncontested, that they exercise a great power in that matter; for they oblige that elector after his return according to their judgment and advice, that they cannot judge of the right of election, without determining the right of the electors; and if electors were at liberty to prosecute more touching their right of prerogative, in other courts, their single judgments, which would make a confusion, or be disagreeable to the House of Commons, and that therefore such an action was, a kind of these privileges.

As to these Objections, several Answers were given.

It was admitted, that the House of Commons exercise a jurisdiction, in determining the right of election of their own members; and though the same may be excepted, that jurisdiction was assigned to another place, yet there has been a usage long enough to render that point from being drawn in question, especially after the statute given out by the act made in the seventh year of 1703 their privilege.

But though it be true, that the several elections of a member, be a proper subject for the House of Commons to judge of, they only can give the proper and necessary remedy, by excluding the stranger, and possession of the place to him who has the right; yet there is a great difference between the right of the electors, and the right of election; the one is a temporary right, place in parliament, pro hoc vice, the other a freehold, or a franchise, who has a right to sit in the House of Commons may be per-

...the church; but who has a right to
 ...the matter originally established, even
 ...there is a partnership. ... has a right
 ...the household by the common law, and also
 ...having secured his right, of having to be
 ...the nature of his household, and
 ...upon it. The wife has that
 ...the husband, and the husband has that
 ...the wife, and the wife has that
 ...the husband, upon which it depends.

To say the plaintiff, in this case, may apply to the House of Commons, is not sufficient, ~~the~~ ^{power} ~~power~~, ^{cannot} ~~cannot~~ say single electors in any county or borough did complain to the House of Commons, that he was debarr'd of his vote, and desire them to determine his peculiar right. Sometimes some of these without right do chase in a borough how complained, but persons have been returned by the officer, who were not duly elected, as long as they dare to do whole community of the borough, to have a person without right as there as their representative: but this is only to bring the merits of the election in question, of which that House both cognizance, and therefore, as incident and necessary thereto, may try the right of election, which of them, by return, or better process, have none, but this is no more than all courts law in the ecclesiastical courts, which proceed according to the civil law, if the suit is legally proper for their jurisdiction, then law power to determine things, though therein, all their patents or conveyances of lands must be questioned, though generally and originally determinable in the courts of common law. Admiralty is properly under the jurisdiction of the ecclesiastical court, and if a question arises between the supposed married parties under his title, or upon divorce or bastardy, it shall be tried and determined there: but when a woman is brought by a man and woman, supposing her to be his wife, if the defendant pleads in abatement, that they were not married, it shall be tried by a jury where the cause was brought; so if any man's title to land depends on a marriage, if an action be brought to try the title, the marriage may be determined by a jury. This shows plainly, that because the House of Commons may determine who are electors, and who are not, ^{indirectly}, and so far only as it is necessary to try the right of the electors, it doth not follow that the right of election is not in question by the rule of an action.

the right of the candidate is given and the House of Commons, it is in order to determine which person hath the right to place his name in the making of laws, and other public business; and if, in order to the determining his power, the House of Commons must elect the electors, they do it only in the name of the crown. But the crown is the judge of an elector's right wholly in another case, as it is in cases that, and to repair in damages done thereby who is wrongfully hindered from exercising it. This is, what the House of

Chances are you do, and in the day was their ever an application made to do it, and it may remain till he supposed they will not now begin to do it even then.

It certainly takes up a great part of the part of a session, to determine the order of elections, before they can be, since the House is required to "order" them. They do so, but should they ever pretend to take cognizance of particular men's complaints, in order to decide the right of election, it would be impossible for them to have any leisure to employ themselves about the safety and defence of the Kingdom, for which the writ calls them together. It is granted, that the dividing of the right of election is a matter of great weight, and, in consequence, concerns the lives and liberties of the subjects of England, but the law hath provided a proper remedy to be pursued in the ordinary methods of justice, a remedy that is adequate, where damages may be recovered. The plaintiff, in this case, knew, he had a right by law to give the vote, and when he found himself deprived of it, he resorts to the law for his remedy: and it is probable, most of the electors of England will be of his mind, and thank it for their interest to trust in the courts of Westminster-hall, for asserting the good right of them upon oaths, where they may prove their case by witnesses upon oath, and have their damages assessed by their countrymen duly sworn, nothing of which can be done, if they are to ask for a remedy in the House of Commons.

Where a man is injured, if he cannot bring his actions to encounter the thing itself he shall lose by the injury, the law will always give him damages in his throat!

It was said in the debate of the day, that instances were to be given, where the party injured did not recover damages, as in case where one has a right of possession, and is disturbed, he could not recover damages at the common law, and that was resorted to the right of an ejector, which was said to be only a right of possession. But the answer to this objection is plain; there the law gives the party a remedy to recover the possession, the thing that was taken from him, so which he is restored by the judgment, but, in the present case, there is no remedy for the plaintiff to recover the thing he has lost, which was his vote at the election, for that election is over, and can never be put again, so that the plaintiff cannot possibly have any reparation, unless it be in damages, and this sort of reparation the House of Commons cannot give him.

If the plaintiff, and all other injured electors, should be obliged to go to the House of Commons for satisfaction, it may be reasonably supposed, that the parliament may be dissolved before it could come to his turn, to have his cause heard: what would be the consequence of that? If the plaintiff must be heard without remedy, would not the law be retroactively de-

figure; and yet none will say, that another parliament did ever take cognizance of any inquiry there, upon account of an election, to a preceding parliament: but, suppose the next House of Commons will determine it, what business would the House of Commons be engaged in? For, probably, the ensuing election would stand in their way: persons to that which every body, and which the parliament did not live long enough to dispatch.

As to what was objected, that the same matter may come in question in the House of Commons, where it may be determined, that the plaintiff hath no right: so that great confusion would arise from different judgments in different courts; it is no more than what may happen frequently in Westminster-Hall, where the several courts have of late ages opinions upon the same question, and yet no harm is done to the public; for, that is no more than happens often in the House of Commons, where the right of a burgess in the borough is decided different ways in the next parliament, and they do not think themselves dishonoured by it.

The diversity of judgment can never appear, for the House of Commons never gives a direct judgment, as the or other individual elector's right; the voting is either upon a general question of the competency, or where the right of election in the borough is placed, whether all inhabitants, or those under a particular qualification, or whether the whole community, or a selected number, have voices, and all these are but ways and means to determine the right of election.

If the House of Commons judge of a particular elector at any time, it is only *pro rata* *tempore*; so far as it relates to the particular case before them; but surely the House never thought the elector's freedom finally concluded thereby, because he is no party to that vote, his right comes not there in question originally, but consequently, in a cause litigated between other persons, to which he is no party; and it cannot be agreeable to right reason, or the principles of law, for a man's right to be conclusively determined, in a cause between other persons.

And, after all, where is the damage to the public, if there should be a variety in the determination of the House of Commons, and the courts of Westminster? It is not impossible, as the nature of things; for the courts of law have great advantages, which the House of Commons want, they want the help of juries, and the pains of giving orders, and they ought not to be displaced with their elections, if they must to some, provided with these powers, for securing their right of election, especially when it is considered, that the persons, whose persons are the House of Commons approve of, will do there, which is all they are concerned in: They are the electors: and it would be strange, if that should enable them to challenge the sole power of deciding the right of their electors, which they naturally do claim their election.

It was urged as a great argument against maintaining this action, that it had been so judged, in the case of Mr. Onslow in the 12th year of King Charles 2. (second Year of the second session) but it is common law that the return of a member to sit in parliament, is that in the name of Barons and Bishops, and although the writ may be returned, yet no return against the sheriff for a writ refused; and if the person elected is sworn, parliament cannot maintain an action upon the return, it was urged a further, that in persons strong, who, perhaps, is but a civil, ought not to be allowed to have such an action.

It was answered, that the law of England has no respect to persons: If an officer, either, be a Baron of England, and so that great privilege belonging to him, is he proceeded in parliament. It was answered, with what variety of opinions among the just that one of our Grand Baronets was returned, and what an alarm that judgment gave to the House of Commons, to not, declare, that in the session of parliament a commission was appointed to enquire into a grievance. And it was observed, that great design of the act of parliament, and the seventh year of the late king (which then embodied in the debate of this case other purposes) was to cure the many inconveniences arising from that judgment, and to judgment in Mr. Onslow's case, which followed Harbord's case, and was judged the authority of it. But there is no connection between these cases and the case of election. In Harbord's case of a declaration of members, the reason on which judgment was founded, was, that a writ there was no return which the law took off, but was only allowed of by the entire parliament. When an officer, who does not have a double return, he submits to the judgment of the House of Commons; and, if the House admits of such a return, as they have often done, it would be hard that he should subject a man to an action, for submitting to a declaration of fact, (the truth of which is concluded to the determination of those who are a parliament of the matter, and appointed members of such a return.

In the other case of a false return of a writ, several reasons may be assigned in judgment, which are not applicable to that of an elector, perhaps it might be such a return is a manifest injury to every of the electors (though principally to the elector) and therefore it might fall within reason of Williams's case above-mentioned, every elector might sue him; and the more of them severally can maintain the law: there is another reason very obvious, since the making has a proper remedy in this place, from which he is excluded by false return: the right of election is only in the House of Commons, there he can sue him in parliament, which is not

we had the principal regard to, and there is no reason to suppose that we should have another remedy elsewhere.

It is a stand to say, the electors' right of choosing is founded upon the law and customs of parliament, it is an original right, part of the constitution of the kingdom, as much as a parliament will not allow the prince himself to give a parliament derivative from authority, though he has no other, but that which is given to him by those that have the original right to elect him, this does not touch the jurisdiction claimed and exercised by the House of Commons, it is the right inheritance of their ancestors, they who pretend to be elected to sit there, ought to make out their right to the House; but there is no ground to infer from thence, that the House hath power to try offenders the right of other persons, while we sit there ourselves, and do not pretend to see plain wrongs done.

It was said, that if that remedy were allowed, they would be a very bad one for the Lords who themselves sit, to judge of the right of the members of the House of Commons to sit there, and by party of reason to judge of their own privileges, and actions were brought for words spoken in the House of Commons, or other things happening in that House; which would be of ill consequence.

But it was said in the first place, that this objection was little applicable to the present case, but it has no relation to the trying of delinquents, for where the elector who brings the case gets his core,

And, secondly, if things are so ordered by demonstration of the English government, that the electors need in point of jurisdiction be helped unto the Lords, let the case concern what it will, when it is brought before them by Writ of Error, they are bound to give Judgment one way or other; and as to the particular instance mentioned, relating to the words spoken in the House of Commons, it was said, however was a great attempt made upon liberty of speech in the House of Commons, but it was far from being brought in the King's Bench, 2 Car 1, against Mr John Eliot, David Hall, and Benjamin Valentine, esqrs., for words spoken in the House of Commons, they find this jurisdiction of the court, as being for what was done in parliament, and therefore could not be so considered or punished there, but Judgment was given against them, and ever since imposed upon them (Case 101). In the parliament which met in 1700, some proceedings were taken now considered with great warmth, and the 28th of June 1701, it was resolved in the House of Commons, that the establishing of that information was a breach of the privilege of parliament; and that the violating of the plea to the jurisdiction of the court, and the Judgment, and all that followed thereupon, was a breach of the law and privilege of parliament, whereby where severe votes were passed. From that time round till after the Restoration of

King Charles 2; but when things grew to be settled, and there was leisure to consider the consequences of former proceedings, the House of Commons began to think, that those votes were not to be depended upon as a sufficient security, in a case of so high a nature, since upon liberty of speech all parliamentary debates were dissolved, and a great many could not think that great privilege only while a solemn Judgment stood in force. Therefore, in 1687, the consideration of this matter took up a great part of the session, and the best expedient they could find out was, first, to come to a resolution among themselves, that the Judgment given, 2 Car 1, in that case, was an illegal Judgment, and against the freedom and privileges of parliament; and then to present the resolution of theirs to the Lords at a conference, which was done December the 10th, 1687, and to desire their concurrence. The next day the Lords attended in the resolution, and at the same time (which was a thing aimed at and desired by the House of Commons) the Lords advised the Lord Hales to bring a Writ of Error in parliament, to the end there might be a judicial determination of that great point, which was done accordingly; and on the 15th of April, 1688, that cause coming to be heard in parliament, the Judgment in the King's Bench was reversed, to the great satisfaction of the House of Commons.

So little did the House of Commons entertain prejudices of the kind, that they themselves trusted to the jurisdiction of the Lords, in the manner most has been mentioned, upon so weighty an occasion.

It was objected, that many inconveniences would follow, if this course were allowed; but they were very sparing in giving particular instances of those inconveniences.

But nothing is plainer, than that by the plaintiff's prevailing in this action great inconveniences will be prevented, and the subject's right and property secured against the partiality and corruption of officers, who are trusted in a matter of so great moment, as the receiving and allowing their suffrages upon elections.

This tends to encounter false returns in the first approach, and to have just justice is all the House of Commons ought to desire.

How endless would the inconveniences be, if this action did not lie? How would occasions of complaint be multiplied? The officers who had the return would become the masters of elections, and admit and reject electors as they pleased with impunity; but if the electors are only to seek for a remedy before the House of Commons, it would be a remedy more than the former; the greatest part of new cases would never be determined for want of time; and they who settling their cases heard, could have no amendments, that is, no damages given them for expiation of the wrong, besides the remedy of having, for the most part, the parties to the injury, those who sit by a like return, parties to the Judgment.

So that to deny this action, is to deny the

the benefit of the law as a matter of the most tender concern to an Englishman.

To possess it is to be a branch of privilege of the House of Commons, for an elector to seek for remedy at law, if he be wrongfully excluded of his vote, is very strange.

That not only can never be considered a privilege of parliament; nor be inconsistent with the rights of the people. Every Englishman is entitled to redress for the injuries done to his rights and franchises, as the ordinary and common methods of justice, where the parties litigate, and the witnesses who give evidence, are to be upon their oaths, *Magna Charta*, cap. 28, is very express. No freeman shall be distrained of his livelihood, or liberties, or free customs, unless by the lawful judgment of his peers, or by the law of the land.

By the 1st of the 1st of the party, in the case of a wronger, to mean, by a jury of lawful men upon their oaths.

If these be regarded such a remedy as the plaintiff in this action hath here, no man can say that *privilegium* derive, by the law of the land, he can have a remedy for satisfaction, and asserting his right in the House of Commons, if there be any such law, it must be either statute law, or common law. No statute gives him such a remedy, nor does the common law, because that is constant except for some circumstances, and there is not any precedent can be produced, that ever any man, upon such an occasion, did ever apply to the House of Commons for relief.

Upon the 14th day of January, 1704, the House of Lords received the Judgment, and gave Judgment, that the plaintiff should recover.

Restoration of the Land upon the Case. The Bill of the Case being read and approved of the House came to the following Resolution, 170.

"It is resolved by the Lords spiritual and temporal in parliament assembled, that by the laws of this Kingdom, every freeholder, or other person, having a right to give his vote at the election of members to serve in parliament, and being wrongfully denied or hindered so to do by the officers who ought to receive the same, may stand in an action in the Queen's courts against such officers, to assert his right, and recover damages for the injury.

"It is resolved by the Lords spiritual and temporal in parliament assembled, that the asserting that a person having a right to give his vote at an election, and being hindered so to do by an officer, who ought to take the same without remedy, but such remedy by the ordinary course of law, as a remedy of the property of the subject, against the freedom of election, and manifestly tends to encourage opposition and partiality in officers, who were made return to parliament, and to subject the freeholders and other electors, to their arbitrages will and pleasure,

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temporal in parliament assembled, that by the laws of this Kingdom, every freeholder, or other person, having a right to give his vote at an election, and being hindered so to do by an officer, who ought to take the same without remedy, but such remedy by the ordinary course of law, as a remedy of the property of the subject, against the freedom of election, and manifestly tends to encourage opposition and partiality in officers, who were made return to parliament, and to subject the freeholders and other electors, to their arbitrages will and pleasure,

"It is resolved by the Lords spiritual and temporal in parliament assembled, that the asserting that a person having a right to give his vote at an election, and being hindered so to do by an officer, who ought to take the same without remedy, but such remedy by the ordinary course of law, as a remedy of the property of the subject, against the freedom of election, and manifestly tends to encourage opposition and partiality in officers, who were made return to parliament, and to subject the freeholders and other electors, to their arbitrages will and pleasure,

The House of Commons, Mr. Addy, had not that effect as might have expected; so before the then following session, not only resolution was taken on a Bill and Judgment, but Mr. Addy himself, as a member of the House of Commons, John Prynne, John Henry, Esq., Daniel Horne, for which Mr. Addy, for being denied their Votes at the election of members to serve in parliament, and borough of Aylesbury, did back to the House of Commons, presented them, as will hereafter appear.

Case of Mr. Richens. January 20th 1704, the day Charles Lockhart, Esq., presented a Bill to the House of Commons; which was "That the petitioners, being named in the margin of Aylesbury bill, who are the town of Richmond, in the county of York, and also the lord and gentlemen, named in the margin, and others, to be parties with him in the said matter, for a term of years, viz. the 15th year of the reign of King James the 1st of Scotland, or of years, with Aylesbury, named out in the Court of Exchequer, and an agreement and service was made upon, and the boundaries of the town of Richmond and lordship of Kilditch, many other manors and lordships in the county, were set out, and the common instructions, requests, and petitions, were turned into the Court of Exchequer, and became a record of the said court. About 30 years since, there was a suit of the boundaries of some of the manors, mentioned in the said petition, and found was given in a decree on the bar, and came to the hands of Mr. Sir George, deceased, who on petition of the parties concerned, and by assent, delivered back into the Court of Exchequer, after his death, which was about the year

[illegible]

between the said manner, different from when either side had proved, or as much as opened, or stated on, or either of the said trials, or in Chancery, and the same said records were intended for the plaintiff, which could not have been, if the said record had been given in this way: That by the Lords and Clerks the petitioner's submissions, and the right of every other person, will be heard, although some other parties be not their lordships, nor are heard touching the said record. That the Order of the 15th of July was not made in any case depending in the Court of Chancery. But was made by the Court as of course, to preserve their own record, or which they are sole judges, and (there being no suit depending) they were so ground for an appeal, and therefore their lordships making such Order, no objection was (as the petitioner says) being answering an original jurisdiction, so had the inheritance of every of her Majesty's subjects, without leaving them that the last Writings, notwithstanding to approach therein, as I ought to have been the plaintiff in the said cause, directed by the Lords and Clerks was a kind to make before plaintiff, and such was to try the parties upon him, to prove the records of the parties, answered, proof, and more, answers, and others, first filed, and to put the validity of the whole record upon that issue, for then the petitioner is advised, that, although a record be, though true, ancient, or well proven, derived in some part of it, yet, as to such part, as reasons before, it is always allowed to be given in evidence; and the petitioner might not have been debarr'd from making use of the record, to support his submissions, it being the right of every subject, to give in evidence any record, or copy thereof, for defence of his title to any matter in question; and he concludes, there it not the least ground to suppose, that the said record hath been altered in any part, there being, as the petitioner is informed, and between better proofs for the validity thereof, than for any one of the most authentic records now extant in any of the Courts at Westminster, these being the copies thereof, made long before the same came in the hands of Mr. Greaves, which do exactly agree with the said record. And prays relief in the premises, and that the House will take the same into consideration, inasmuch as the making such Order by the House of Peers will be a greater proof of total contrivance, in the rights of inheritance of the Commons of England.

Resolutions of the Commons on the said Case.] In consequence of the Petition, for the Relief of *Constance Appleton*, &c. &c. &c. to support the Lords' Judgment in favour of the proceedings of the Clergy; and *Lislehope* came, with reference to the said Case. And upon the whole, came to the following Resolution:

²² That the House of Lords takes cognizance of and punishes upon, the crimes of Thomas King's libel, promulgation of an Order of the House of Lords, bearing date the 12th

day of July, 1701, for filing the record of a survey of the town of Rotherham, and township of Middleham, in the county of York, in without precedent, and unwarrantable, and tending to the subjecting the rights and properties of all the Commons of England to an illegal and arbitrary power.

"That it is the undoubted right of all the subjects of England, to make such use of the said record, as they might by law have done before the said proceedings of the House of Lords."

[*Resolutions of the Lords thereon*] After this the II case of Lord-tenants was considered, the proceedings of the House of Commons, and made the following Resolutions.

March 21. It is resolved and declared by the Lords spiritual and temporal, in parliament assembled, "That the House of Commons taking upon them by their Votes, to pronounce a Judgment on the House of Lords, given in a cause depending before that House in the last session of parliament upon the petition of Thomas lord Wharton, and to declare what the law is, in consequence to the proceedings of the House of Lords, is without precedent, unwarrantable, and an encroachment of a jurisdiction, to which they have no sort of pretence."

"That the Resolutions and Declarations made this day, with respect to the Votes of the House of Commons, in relation to the Judgment of that House given upon the Petition of Thomas lord Wharton, the last session of parliament, shall be forthwith printed and published."

[*Proceedings against the author of the "Observator."*] About this time, the author of a weekly Paper called the *Observator* having refused to publish his remarks on Occasional Conformity, a complaint was made against him in the House of Commons: and, upon consideration of the matter, it was resolved, "That the *Observator*, from the 24th to the 11th of Dec. 1700, contains matters scandalous and malicious, reflecting upon the proceedings of the House, tending to the prejudicing of subjects in the kingdom. And that Tutchin the author, How the printer, and Bragg the publisher of that paper, should be taken into custody of the serjeant at arms attending the House." Thereupon Tutchin absconded, and notwithstanding the process issued upon him, went on in his way of writing, and made sharp reflections upon a Speech said to have been made by an John Pickering, in the House of Commons, in favour of the bill to prevent Occasional Conformity." A fresh complaint being made again for this second offence, the Commons resolved, "That the author, printer, and publisher of the "*Observator*," having being the prejudice of the House, and were also convicted from justice; an humble Address be presented to her majesty, that she would please to send her royal proclamation for apprehending

them, promising a reward for detecting them."

[*The Queen's Message respecting the Clergy*] Feb. 7. Her majesty ordered following Message to be delivered to the Lords of Commons.

"Her majesty, having taken into her most considerate the mean and sufficient means, to raise a supply for the clergy in direct payment the kingdom, to give them more ease, having proposed to raise the Arrears of the last year the Poor Clergy, and for an augmentation of their stipends, her majesty is pleased to declare, that she will make a grant of it whole or near, among out of the Land tax, and Tenth," as for it money, or shall become

"The first legal and equitable was an action begun by the pope in the time of his long wars, and it was raised as a fund to support those expeditions. But, when taxes no longer served for such an arbitrary power, as the pope once assumed, and after there has been a submission, and the payments have been settled into a custom, they are always continued, even after the protest, upon which they were at first raised, subsists no more. This year, began a standing branch of the pope's revenue, till Henry 8. was resolved to cut it away. It was first abolished for a year, probably to draw in the clergy to consent to his willingly to a change that delivered them from such heavy impositions. But, in the second session of parliament, the matter was settled as part of the measure of the revenue. It is true, it was the more easily done, because the means were still at the old rate, which in some places was not the tenth, at most not above the 24th part of the tithes, and the clergy had been some time without a new valuation, in which the rate should have been set in their full value. The amount was about 11,000*l.* a year, and 1000*l.* first-fruits, which were once valued, one year was another to 2,000*l.*; so that it was increased to between 12 and 17,000*l.* This was not brought into the treasury, but other branches of the revenue were let to bishops, who let to the pope's collectors were now the king's; and persons who obtained engagements on them for life, or for term of years. This had never been put to any good use, but was still obtained by the themselves and their friends, in Charles 1's time, it was distributed among his women and several children, without regard, that, while the clergy had much credit at court, they had more credit than as stewards, unless it was of some religious purpose, and that doing bishop Laud's favour with king Charles 1. the continuation of king Charles 1. was had been used to appropriate history of the Reformation, he considered equally so particularly, that he was not

Books reviewed by the Commons] March 1. Sir Dudley C. often reported from the committee, appeared two volumes two Books; one entitled, "Second Thoughts concerning human Soul," as believed to be a spiritual immaterial substance, served to answer Dr. H. to be a plain heretofore Inquiries, and was answered to the "Principles of Philosophy, Human, &c. &c. &c."

the other, "The great Power, or, Vindication of Reason and Right a slight Impression of Philosophy," and to collect themselves in France, as are otherwise, and to examine, who is the author, printer, and publisher, thereof; that they had an account the same month 1704, and had collected up of the said Books several papers thereon, which they conceived of interest, and that they found, that Dr. William Coward was the author of the said Books, and that Mr David Edwards was the printer of the one, and Mr William Perren was the printer of the other, and that Mr Bacon was the publisher of the said Books. Where Report be read in his place, and afterwards delivered in at the clerk's table; where the same was read, and is, as follows:

In the "Second Thoughts concerning human soul," &c.

P. 88. "Now the notion of an immaterial, uncreated, substantiated, being in man, or soul, was one of those principles, I had by education received, and being thought fit, more exactly to enquire into the reasonableness of this belief, I find it to be only an opinion derived down to posterity, as it were, upon trust."

P. 88. "But these grounds of the framing an immaterial immaterial soul in man I look upon to be idle and fabulous; and conceive it either to be the essence and doctrine of the philosophers, in general preaching, that man was to be rewarded, and vice punished; and, when they study our good men to the eternally death, and unrewarded vice, being ignorant of a resurrection, taught their scholars, that man's soul, after death, remained alive, to receive the reward; i. e. good men, rewards, and ill men, punishments."

P. 89. "Now after the play of the speculative christian began by greater interest to be pursued, and the substance of early preface grew so high, as to require to be supported in grandeur and state, then it became convenient to preface the doctrine to the length."

P. 100. "Thus, upon the whole, we find, how weak and ineffectual the arguments of philosophy are, to defend the opinion of an immaterial soul, united to the body; where able and subtle distinctions they are fitted to make, to defend it, when able and reasons they frame, to support their opinion; in such that a man may say, there is no plea, to ground belief on the philosophical arguments, which pretend to establish two distinct substances, spiritual and material, as man, but only to show, who are resolved not to be informed, and will know no better?"

P. 170. "If we allow the conception of

body and soul to be the same of an immaterial substance united to a mortal material body, where is then the mystery of the immortal soul? The union of the soul and body is no longer allowed to be a mystery of religion, therefore their both must be repeated in another."

P. 100. "1. That Soul and body, when the body lives, is a life and soul, in the same thing as concept and consequently, the immaterial only as a spiritual state of existence, united to, or in, with, it immaterial."

"2. That, by the common course of judgment, man's immortality begins not end after the resurrection."

"3. As to the first proposition, then I say, If it appear by the whole current of Scripture, that life is properly the soul of man, which first gives us a sufficient ground to call the immaterial substance, then the soul of man will come to be, when the body dies. But appears by the whole current of Scripture, the soul of man will come to be, when the body dies, and consequently the notion of a spiritual immaterial substance, united to, or man, is erroneous."

P. 101. "The soul, sup. or 12, 14—Who will be changed in a moment, and thinking of an eye, at the last trumpet. If the incorporeal soul get on incorporeal in the mortal part, as immortality, to be it be preserved, that death is a total annihilation. 1 Cor. vi. 35, 36. When it is very observable, that the apostle, in this whole course of his writing, says, 'we shall not be asleep, who cannot be called dead.' As 'We shall not all sleep,' 'We shall not be incorporeal,' and, 'we shall be changed.' Which could not be true, if the soul, as better part, an incorporeal immaterial part already; for that has to do with all, but seems to first annihilation."

P. 110. "Oly. 14. 'Thus shall the nature to the earth, as a man, and the soul to God, that gave it.' Therefore, from plain language of soul, and body, and what we do, our work will certainly reach God."

"Answer. That is the great Goliath of man, generally brought to knock down of power, though it seems not to be an immortal substance, but is rational, and not to be explained as, a contradiction of itself and."

P. 100. "Therefore, I think, I have already answered all objections, in my 1st 1st Treatise. And I shall be many of the same words in this 2nd and added some somewhat different opinions, yet I shall have given them, and the objections be proved and resolved, proved by objections, extracted from the 1st Treatise."

"1. The first I went with, that was sufficient, is this. 'Prove not immortality by the body, because the soul is immortal, but rather by the soul, which is able to be immortal.'"

body and soul as hell.' Blath. a 28
" there is a being as man, distinct
" his body, capable of being cast into a place
of torment, whereas the body only lies in the
power of man, and not the soul, so he destroy-
eth."

P. 222, 224. " Answer: If by this text
— mean a spiritual, substantially, immortal,
and, as such, but that our senses know it,
and do not comprehend, to whom he more
practised the doctrine; therefore, for our Sa-
viour to instruct them in a doctrine, viz. The
immortality of man's power, to tell an immor-
tal spirit, which they must have believed of true,
could mean more of asking, than giving of
instruction in Christianity; for it might
only be conceived, that all the world knew,
immortal spirit cannot be killed; so that
all persecutions are vain, and useless."

P. 225, 226. Loh. says a 28 " Therefore, says our
Saviour to the chief priests, " these shall be
" them in Paradise." Therefore he said must
be that in lower Paradise, or else our Saviour's
words could not be admitted for truth; for,
having the chief's body was buried, and laid
in the ground, as others were."

" Answer: This objection, though not
bright, I cannot see of what force it is, unless
the text is, that our Saviour spoke to the
soul in the chief, when he said, " does shall be
" with me in Paradise." Then soul of the
chief, by wronging me, shall this day be with
me in a state of bliss. But, O chief! thy
body still lies in corruption, as other bodies
do! Now what speech mean such men
make for our Saviour, that give such an in-
terpretation of the text, for the learned judge."

Dr. " The Grand Essay," &c.

P. 20. " Third: How could man come
by the immaterial substance, but at the first
moment? And it is plain there, by express
words that he was made no more than being
man."

" Fifth: You had as good discuss your copy

Dr. 21. " All the heathen philosophers
practised up man to be made of a soul, call-
ed immaterial substance, and body; and it
pervades all the Old and New Testament at
that time, you will never contradict it, or
— mean to be better in the contrary."

P. 126, 127. " Third. Don't it mean sin,
if a soul be lost?"

" Fifth: No; he doth die in his body, but
not in soul, for that lives as well, if our
bodies, then a soul in the body."

" Third. Not one word of this, or like it,
— had in the Bible. This is as much as to
— mean death does, and he doth not die
— what is meant by dying in his body?"

Fifth: The immaterial body does

" First. As far as I had, I never read; for
— the soul breath all the while; and how
— thing dies, which ever it be?"

" It is no matter how, it is as — the
— soul and substance, gave the body life,
— as a separation, the body divided."

" Third. What chapter and verse, for your
— immaterial living substance, in the Bible?"

" Fifth. I told you, you were always for
— Scripture. It is so by philosophy, that is
— enough. And so, if a man is said to sleep in
— death, he is as fully awake in his soul, the best
— manner of expression, as ever he was in his
— life, in this world."

" Third. A pretty way of sleeping indeed! I
— You philosophers make us believe any thing,
I will be signified [for a fact] all my life
— time, if you can bring the like case, where no
— man's absolution, without any reason from
— Scripture, or common sense, are believed."

That Mr. Bennett was called into the com-
— mittee; and being asked, who was the author
— and printer of the book, called, ' Second
— Thoughts concerning human soul,' &c. said,
That doctor William Coward was the author of
— the said book, and that Mr. David Edwards
— printed the same. That Dr. Coward sent
— for the said Bennett, and told him, he had 500
— of the said books, and would have him to
— sell them. Whereupon there came to an agree-
— ment; and the said Bennett, by a writing
— under his hand, did promise, and oblige him-
— self, to accept for and pay unto Dr. William
— Coward 2s. 6d. for every one of the said books
— sold.—That he sold about 500 of the said books,
— and had three pence a book for selling the same.

Mr. Channing, being asked, who was the
— author, and printer, of the book, called, ' The
— Grand Essay,' said, that Dr. Coward was the
— author, and William Fennell was the printer.
That he sold about five hundred of the said
— books, by Dr. Coward's direction; and that
— the said Doctor agreed to allow him half the
— profit, for selling the same.

Mr. Latham said, that he printed part of
— the book, called, ' Second Thoughts,' and that
— Dr. Coward delivered to him the copy.

Mr. Parnham said, that he printed the book
— called, ' The Grand Essay;' and that Dr.
— Coward delivered him the copy, and he print-
— ed 500 of them.

Dr. Coward, being called on, said, that he
— had not read the book, called, ' Second
— Thoughts,' for master Edwards printed the
— same; so that he knows not, whether it be
— printed according to his copy. He never in-
— tended any thing against religion; and that
— there is nothing contained in those books, con-
— trary either to morality, or religion. That he
— does not deny himself to be the author of
— those books; and, if there be any thing therein,
— against religion, or morality, he is ready to
— recant the same.

Resolved, " That the said books do contain
— therein doctrines and positions, contrary
— to the doctrine of the church of England, and
— tending to the subversion of the Christian re-
— ligion."

Ordered; That the said books be burnt
— by the common hangman to morrow morning, to

* These words are copied from the original
— Report.

New Palace Yard, Westminster; and that the sheriffs of London and Middlesex do arrest the persons at or near attending this house, as seeing the same done.

A bill for raising Revenue passed.] March 21. A bill entitled, "An Act for raising Re-venue" for the Land-taxes and Mariner, and

"One of the most considerable Acts passed this session, was, for 'raising revenue for the 'land-taxes and mariners,' which improved the justice of peace, or were three of them, is taken up each side persons, as had no calling nor means of subsistence, and to deliver them to the officers of the army, upon paying them the levy-money, that was allowed for making recruits. The method of raising these levies, by drinking and other bad practices, as they were justly advised, so they were now so well known, that they were no more of any effect, so that the army could not be recruited but by the help of this act; which, if well managed, might prove of great advantage to the crown, since by this means they would be delivered from many crimes and idle persons, who were a burden to the country, and indeed of late years there was such an increase of the poor, that their maintenance was become a most grievous very heavy load, and amounted to the full half of the public treasure. The party in both houses, who had been all along cold and backward in the war, opposed this act with unusual vehemence, pretending zeal for the public liberty and the freedom of the persons, to which, by the constitution, they said every Englishman had a right; which they thought could not be given away but by a legal judgment, and for some crime. They thought this put a power into the hands of justices of peace, which might be stretched and abused to serve bad purposes. Thus men who seemed engaged in an interest that was destructive to all liberty, could yet make use of that specious pretence, to serve their purpose. The chief objection made to this act in the house of lords was, that the justices of peace had been put in and out in so strange a manner, ever since Sir Nathan Wright had the great seal, that they did not deserve that so large a power should be committed to them. Many gentlemen of good sense and ancient families had been at late put out of the commission for no other visible reason, but because they had entered friendly into the rebellion, and had sustained losses for King William. This seemed done on design to mark them, and to leave the interest they had in the elections of members of parliament; and at the same time, men of no worth, no estate, and known to be all addicted to the queen's party, and to the Protestant succession, were put in, to the great discontentment of all-thinking men. All was managed by secret associations, and characters, that were partly great. The lord keeper was a member to the party, and was become very considerable in all respects. Money, as was said, did every thing with him, only in his chest he was never charged with any

'for dispensing with parts of the constitution,' and increase of shipping and navigation, 'tong the present war,' was passed by House at Leeds.

The Queen's Speech at the close of the Session.] April 5. Her majesty came to the House of Peers, and after passing several resolutions the following Speech to both Houses

"My Lords and Gentlemen, I cannot go far and to this session, without referring you to the for the willingness which you have always shown to support and assist me, in continuing of present war.—And I now thank you, gentlemen of the House of Commons, very especially, for the great forwardness and zeal which you have shown, both in the early dispatch of the supplies, and in making them sufficient for carrying on the public expense without any additional burthens upon the country. It shall be my care, to improve to the best advantage.—My Lords and gentlemen; at the opening of this session, I did not nearly express my desires of seeing you perfectly united among yourselves, as the most direct means imaginable to derivate distractions of our affairs, and reduce them to a honorable and lasting peace: and though this has not met with all that satisfaction I wished and expected, yet, being fully assured that nothing is so necessary to our common welfare, I am not discouraged from persisting in the same earnest desire, that you would go down into your several counties as disposed to moderation and unity, as become all those who are joined together in the same religion and interest.—Thus I am persuaded will soon make you sensible that nothing, so to the blessing of God, can so much contribute to our success abroad, and to our safety here."

Then the Lord Keeper, by her majesty's command, prorogued the parliament to Friday the 4th day of July next.^a

along but great darkness, by which the Observatory was become one of the least-vent of the nation." Tisdal.

"Thus ended this session of parliament, after much heat and contention between the houses; and though the queen in her speech commended to these men and women yet done worth, which had hitherto gained good a name, that all sides praised them, were now become so odious to men, that even in sessions, especially at Oxford, they were arranged as importing what that was asked to the church, a favored chamber. The House of Commons had, during this session, lost much of the passion, not only with fear and judges, but even with those who were inclined to favor them. It is true, the freeholders began to be uneasy with taxes, and to cry out for a price, and the considerable gentry of England, as used to be, seemed not to apprehend the

set out the night before with a detachment of 1,000 horse and dragoons, to secure the entrance by which they might have descended the north of the river, when, by this means, prevented without any opposition. On the 1st of July they continued their march in sight of the town of Dillingen, and the left of the army.

On the 2nd they lay in this camp, the duke ordered that the detachment of Saxons had been sent to the infantry to continue their march, who were posted at Schellenberg, a strong ground on the Danube, near Dillingen; for several days he had caused continual drilling in the work upon this high ground, giving upon it the importance. The duke wished to surround and attack the enemy.

At the preceding distribution being given to the army, on the 3d of July, early in the morning, he marched with a detachment of 30 squadrons of horse and Drutch, a considerable number of foot were ordered by lieutenant-general Guérin, to attack the imperial provisions under prince Louis of Hesse, and the rest of the army followed out in pursuit of the same. That the march being long, while the army was hot, they could not march in the morning, which was by Dillingen, the duke went, and it was three hours before the troops were finished, for the troops had marched past war. About 5 o'clock in the morning, he came before Schellenberg, and the duke of Marlborough moved up with a detachment of the cavalry's squadrons in the morning, and a number of days. In the

evening, the army lay before in five open the duke's army was fully from their batteries, and in the morning, when the English and French army passed by the horse, and dragoons, the attack with a prodigious number of cannon, the imperialists could stand, and having the general put off the enemy's army, the army with, they were at last obliged to retreat. Soon after the imperialists were in a great number, and being led on in pursuit by prince Louis of Hesse, advanced upon the army without any firing, then they went into the ditch, and passed over in a remarkable way. The enemy's horse moved them upon, but were repulsed; and then the imperial cavalry meeting their retreat, and the English and Dutch moved in about the same time, the confederates were in a dreadful slaughter of the enemy. The horse and dragoons shared the glory of the day with the infantry, and the rest of the army followed themselves, and secured his baggage and provisions. But, at the attack, it began by a battery of the English foot-guards, and the regiments of Orléans and Lipolditz; they suffered very much in the enemy's forces consisted of 22,000 men, and were ordered in closely upon the duke, and in the last by the Duke and the French foot-guards. As soon as the confederates had possessed the entrenchments, the enemy's army in great confusion to the

enemy, and the Danube; but, being closely pursued by the horse and dragoons, a great wing followed the example of their generals, who saved themselves by swimming over the river. The loss of the enemy was computed to be about 8,000 men. The confederates made 12,000 men in the morning, consisting of 12 squadrons, with all their baggage and baggage. The duke of Marlborough passed about 10 o'clock in the morning, giving directions with extreme care to the army, and exposing his person to the greatest danger. The next day, the Bavarian garrison quitted Dillingen upon the approach of the confederates, and broke down the bridges, but had not time to destroy their magazines and provisions, as they had intended.

The elector of Bavaria was no longer informed of the defeat at his camp, at Schellenberg, then he sent his army camp between Dillingen and Langer, and came to the other side of the Danube, over against Dillingen, in his march to the river Lech, to prevent the confederates cutting off his retreat to his country.

On the 5th of July, the duke of Marlborough passed the Danube near Dillingen, and, on the 11th, about 6 o'clock, with a detachment of 4,000 men and 12 pieces of cannon, marched over the river Lech, and took post in the country of Buxton. The whole army marched at the same time, and encamped with the right at Humber, and the left at Gundershausen. Upon the first notice of the attack being given to pass the Lech, the garrison of Neuburg marched out and retired to Ingolstadt. Whereupon a detachment of dragoons was immediately sent out by the duke of Marlborough to take possession of that place; and prince Louis of Hesse ordered general Hornbush, who commanded a separate body of between 2 and 1,000 men on the other side of the Danube, to remain there for the security of that important place, and for the drawing of provisions out of Ingolstadt for the subsistence of the confederate troops, while they continued in Bavaria. On the 13th, the whole army passed the Lech; and, on the 15th, about 10 o'clock, general of the Palatine horse, arrived from prince Eugene of Savoy with an account, that the marquis Villeroi, and Tallard had passed the Rhine above fort Kehl, in order to recover the elector of Bavaria, for which reason he desired a reinforcement of horse, to enable him the better to observe the enemy's motions. Upon which prince Maximilian of Hesse was detached with thirty squadrons of improved horse, with orders to pass prince Eugene with all possible diligence.

The duke of Marlborough having now the elector of Bavaria at so great a disadvantage, entered upon a treaty with him, and offered him what terms he could spare, rather to himself or his brother, even to the giving him the whole charge of the war, upon condition that he would immediately break with the French, and send his army into Italy to join with the

[illegible][illegible][illegible][illegible]

wine, and for our common interest, that I have not the least doubt but you will continue with the same zeal to dispatch what remains of the public business, and in doing that secure me happy and speedy conclusions."

The *Occasional Conformity Bill* was brought into the Commons. It was generally welcomed, and indeed expected, in the court as well as in the city and country, that the "bill to prevent Occasional Conformity," which was the accusation of great dissensions and contentions in the two former sessions of this parliament, would not have been introduced upon at this juncture, when all parties ought to have suspended their animosities, and joined in celebrating the successes of our country's arms. But, notwithstanding all the assurances made by the members to engage the leading-men of the high church party to restrain their zeal, all they could have an opportunity of showing, without obstructing the public business, the parliament had not so long before Mr. William Blackley moved in the House of Commons for leave to bring in that bill. This motion met with great opposition from all the moderate party, among whom appeared many courtiers, particularly Mr. Henry Boyle, Chancellor of the Exchequer, who spoke strenuously against it. But though it was carried as the alternative, yet the chief of the high-church party debated several days in their private assemblies, whether they should bring in the bill or not? Though many urged strong reasons for the negative, yet the bill is brought in, but moderated in several clauses. We thought, who passed it, were more resolved to bring the terms as low as possible, in order once to carry a bill upon that head. Upon the last reading of it, after a warm debate, the question was carried for a second reading.

Endeavour to tack it to the Land-Tax Bill. The vigorous struggle against the bill, as it is the House of Commons, made the persons of it justly apprehensive, that it would never pass by itself through the Lords; and therefore, after a long consultation in their chief meeting, and (as was then whispered) by the suggestion of Mr. Secretary Blakeney, in whom they still reposed great confidence, but who declined to direct them in a sense, they resolved to attempt the tacking of it to the Land-tax bill. Accordingly, Nov. 18, on the second reading of the Occasional Conformity bill,

Mr. Bland made a long speech, wherein, among other things, he urged, "That the practice of Occasional Conformity was such a scandalous hypocrisy, as was no way to be excused upon any pretence, which ever. That it was condemned even by divine law and by doctors themselves. That the people were conscious of a different religion from that established by law had never been practised by any one person in Great Britain, and was not allowed even in Holland. That the same circumstance was opposed by the word in of the *10th* article to preserve the altar for church, which was intended as an *express* charge from the dissenters at the time as it was from practice, when the act was

made. That this law, being so necessary, having been twice refused in the House of Lords, the only way to have it pass was to tack it to a money-bill. That it had been a constant practice to tack bills, that were dangerous to the subject, to money-bills, as it is reasonable, that, while great debates were upon the subject, for the support of the crown should, in return, pass such laws were for the benefit of the people. That great necessity there was for the money-bill passing, was rather an argument for the against the proceeding. For when they ought there be, that the Lords, who presided among such great patriots, should rather lose their country supplies, than give an aid to men for the preservation of the church. He believed, if they should suppose them to succeed, the matter was not yet so bad, for it was only but prolonging the parliament for a few days, and then the Commons might pass the Land-tax bill upon without the tack. He concluded with saying, That the bill to prevent Occasional Conformity might be tacked to a Land-tax bill."

The motion succeeded a long and warm debate. The design of the party was, that Lords should be put under a great difficulty, were they should attack the bill, and separate one from the other, then the House of Commons would have moved on a money-bill, which was now settled among them as a fundamental principle never to be departed from, that the Lords cannot alter a money-bill, must either pass it, or reject it, as it is sent them.—On the other hand, the Lords cannot agree to any such tack, without declaring that solemn Resolution, which was then loudly agreed by most of them, and which was of a tack to a money-bill; and, if it would now, they taught the House of Commons the way to impose any thing on them at their pleasure. The party in the Commons put their whole strength on the carrying it past. They went further in their design, which was truly aimed at by them in their court, was, to break the war, and to bring peace. They knew, that a bill which they could not pass in the House of Peers; for the bulkiness of their own party contained, so they would never pass a bill that manner. If the means money-bill be tacked, and it would draw all members into great contentions, and alter it, and dispute about it, as to the carrying of any bill from England, except such terms as France would offer them. Their actual design was toward to break at least to shake the whole alliance. This was very apprehensive of this, a high-transaction God upon opposed a bill to tack. The party themselves the design, that, till they had brought up their strength, and thought they were sure of carrying it. The debate held long. The vote was carried, and the tacking agreed, that it was carried by the whole parliament, and was in effect carrying it down a considerable bill, for it was

the design, not only to the Lords, but to the Commons, the first use of their negative in the Commons. Is this once once settled, then, as lay down, in the public account, to take a money bill upon a common, every second, which the majority of the Commons had a vote, would be taken to the Commons, some bills had been made to money-bills, King George's time; but when that had with some relation to the money which was given. But in this case a bill, whose operation was only for one year, and which depended as soon as the first shilling in the pound next year, was to have a perpetual law settled on it, as a most constant in force, when the greatest part of the act was expired.

Besides these arguments, Mr. Ser. Hodges said to have been represented to the House that the Duke of Marlborough had lately concluded a treaty with the King of Prussia for 2,000

troops, to be employed towards the relief of the Duke of Savoy, who was in great danger. That these troops were actually on their march upon the credit of a vote of the House, that they would make good her Majesty's service; And that the obstructing the money bills, which the Commons would establish, would put an immediate stop to the march of these troops, and thereby occasion the ruin of the Duke of Savoy.

Lord Cullen urged, "That the English nation was in the highest consideration abroad. That all Europe was attentive to the result of the parliament; and that, if any division should happen between the two Houses, it would not only ruin the whole confederacy, as give the French King almost an great advantage, as we had gained over him at Blenheim."

Mr. Boyle, Chancellor of the Exchequer, spoke on the same side, and asked, whether any man amongst them would venture his whole estate upon a vote. And, covering himself with negative then, added he, shall we now venture the safety of all England, nay, of all Europe, upon this vote?

Mr. John Hanley perceiving, that many members had left the high church party, observed, "That I have seen your bill had been against the bill from the beginning, but he wondered, that those gentlemen, who had all along pretended, that the Church of England was on the back of him, unless such a bill should pass, did not pursue the only method, that might secure the passing of that bill. I put it (added he) to the conscience of those gentlemen, who, are now over to us, whether they were before contented with the resolutions and necessity of the bill, since now they desert their own friends? I said they had voted on our side two years ago, but it would have served us a great deal of trouble, the greatest part of the nation is now dead in conscience, and themselves the authors of showing their party as a pack."

Mr. James Lathrop spoke on the same side, and said, "By the passing of this bill, we give a check to the Lords to pass it."

But suppose the Lords think, as is common, what we have lacked, and to suggest, as they are ready to pass the money bill, but will consider of the state, which have made and then suggest it to be, that the specific business is retarded?"

In answer to all these objections, the precedents were produced, and the necessity of the bill for the preservation of the church was suggested, which they are not like to pass, unless sent to the Lords in accompaniment, which some thought was very wisely expressed by calling it a petition presented to the church, as in a marriage, and they said they did not doubt but those of the Court would exert themselves to get it passed, when it was necessary with overtures as to price. Upon the division, the bill was rejected by a majority of 111 votes against 104.

The following is a List of their votes noted for and against the Bill.

For the Bill.	Against the Bill.
Northampton, Not One.	Lord Russell, Sir William Gower, William Spence, Edward Curzon.
Bedfordshire, Sir John Stanhouse.	Richard Smith, Lord Fitzwilliam, Richard Dymond, Sir Owen Buckingham, Theophilus Vane, Esq., William Jennings, Thomas Benda, Sir James Threlkeld.
Birminghamshire, Sir Henry Parker, John Drake, Sir Thomas Gurnell, Sir James Fitzwilliam.	Sir Richard Trench, Sir Edmund Beaufort, Roger Price, Charles Gifford, Ferdinand Dymond, Richard Dymond, Richard Gifford, James Gifford.
Cambridgeshire, Gerrard Pitt, Arthur Ansell.	Sir Richard Cotton, Henry Boyle, Sir Henry Fitzwilliam, Anthony Thompson.
Devon, Sir George Warburton, Sir Roger Manners, Sir Henry Manners, Peter Warburton.	Not One.
Gloucester, John Baker, Sir Richard Vernon, John Biddis, William Cook, William Cook, Henry Fother, Charles Fitzwilliam, Sir Henry Fitzwilliam, Francis Smith, John Manners, Joseph Smith, John Smith.	William Budge, Thomas Budge, Robert Budge, Sir John Manners, Henry Manners, Francis Budge, Francis Fitzwilliam, Henry Fitzwilliam, Thomas Lewis, James Gifford, Alexander Fitzwilliam, Hugh Budge.

Catholics, and was accompanied by a number of his theoband; his Lordship happened to be present the year, that he had written a paper in support of his before them, but as he was not to be in a full house; all the rest of the town and in the neighbourhood were continued to attend there daily after, after his Lordship made a speech, in which some are the most remarkable passages:

“*My Lords*—I would be far from desiring a lowering any man's just power, and do only believe, that the wonder-ful and glorious power of the French, under the conduct and command of peace Eugene and great Lord Marlborough, if considered in all its circumstances, especially the several successes which the orders were executed, is no more an history than that of—And, though our success at sea was not equal to what was at land, yet the English courage and bravery showed itself the same. I am not so much surprised as Mr George Roch's wife says, that the French; but I am, and do not think, but with reluctance from them.—I am certain, that they will submit, while France is thus powerful at sea, and more surely, not only by her own additions, but by some other successes, as were those of St. Christopher, Newfoundland, and Hudson's Bay, while our trade is thus neglected, and our harbours filled and dependent upon the will of the dark counsels of nobody knows who, England, in my opinion, can never be safe—Another thing that I shall take notice of, is the present state of the army; and I shall notice here, that, if such vast contributions be much longer continued and allowed, we shall have very little left at home. France may believe, that England must be beggared. I know we are not so sensible of this, because there is a paper-money now current; but, should there ever happen to be a stop there, I pray God power be from so long off at sea. If so, then, that I shall mention to your Lordships is relative to Scotland. I think, I need not be before your Lordships the true matter of fact, nor where you have much it deserves your consideration. A little before the last sitting of the parliament there, it was thought necessary to make some alteration in that manner; and accordingly some were displaced to make room for others, taking some from each party, who might influence the rest. Things being thus prepared, and a ready manner set up, the parliament met about the 25th of July last. And, though the excitement in Britain in the parliament last was the same thing accompanied with the greatest enthusiasm, yet the spirit is not the same; they were as in preparation and lulled, that at length it came to nothing, partly, because the money was so much withdrawn, that instead of doing anything, they could do nothing; and partly from a divided opinion, that the suppression should be as severely and cordially intended, either by the ministry there, or by those

that managed the Scots affairs here.—This is very evident; for, at the opening of the session, my Lord Treasury himself denigrated between a secret and revealed will. And not only this, but upon the fourth Session (as they call it) a motion was made for a bill of exclusion, I make it formerly to be, though it bears the title of an Act of Security, which was read the first time on the 7th, and ordered to be so on the table till they heard from England, and, on the 10th, it passed into a law. Now can any reasonable man believe, that those who presented a bill of exclusion there, or those who have advised the passing of it, would ever be really and cordially for the English success? I know there is an exception in the next itself, but it is such a sort as might have had as well been left out. For he that asks what is known before will never be granted, only asks the demand. And yet that is not all, but in this very bill of exclusion, as I call it, all the boroughs and boroughs are not only allowed, but ordered (as the word is) to be taxed, and to contribute their share to the war every month.—This being the fact here, I think, I have stated it very truly; surely, my Lords, it is what deserves your consideration; and I shall make but one or two observations to your Lordships. There are two matters of all troubles; much discontent, and great poverty; and whoever will now look into Scotland, will find them both in that kingdom. It is certain, the industry and genius of Scotland are as low and as barren as any nation in Europe on board of; and these are generally discontented. And as to the common people, they are very numerous and very stout, but very poor. And who is the man that can answer what such a multitude, so armed, so disciplined, with such leaders, may do, especially upon opportunity as to so much after men from themselves? And there will never be wanting all the power, and all the assistance France can give.

“ *Besides this, my Lords, I take it to be of the last danger to England that there should be the least shadow or pretence of a neutrality to keep up regular and standing troops in the kingdom in time of peace; for I shall always be of the same opinion, that what has been, may be. In short, my Lords, I think every man writes these things had not been; and in my opinion, there is no man, but must say, they should not have been. I shall not with an advice of my Lord Bacon's. Let men, says he, because how they ought or suffer matter of troubles to be prepared; for no man can fork the sparks that may set all on fire.”*

The Lords were violently affected with this speech; which though generally approved, as to that part of it, which related to the Scots affairs, yet was it no less remarkable than unexpected in the present anxiety reflected upon, to whom criminals and misgovernment the nation owed its prosperity at home, and, in great measure, its success abroad. And besides, some prior thought it derogatory to the

drawn to Marlborough, that prince Eugene should be immediately to him as the manner of our attack, in which that prince acted but a part only. However, the speech was attended by, amongst others, Marlborough and Nottingham; the former particularly observing the ill consequences of the execution of the vote, and advising the Parliament of putting things to their trial. The prince, however, took this to be an advice to distrust Marlborough. "That there is a great deal to be said on both sides, especially if the prince was obliged to put a line on Marlborough at present, for there were more reasons against that plan, and perhaps the execution of it, and that he will be obliged to go on with danger." But this notwithstanding, he took a consideration of our case, and observed, we should be thankful to have a design of being put into our own hands, and not under the hands of others.

[illegible]

“The quoted law in the first instance is the liberty of Press, given and taken away from their debates, when they are it would be for her best, for giving her a more complete, sensible and lasting, than before, under her control. The liberty of the press, that is, the liberty to take up any subject, and to say what she likes, that is, the right to speak as she pleases, and that should be the general law of democracy, would be a complete abolition of the principle of the Liberty of the Press.”

danger of a rebellion in that kingdom, was
 replied, "That, if the boats had sailed, they
 would have sailed without arms, shams,
 they had no need to rebel now, they are
 fully supplied with such necessities, to sup-
 port their rebellion." His more moderate
 opponent, that, like third pharaohs, is
 over-frightened, they ought rather to apply
 our supplies to a plan of war, than to be
 in company, with the most cruel, and
 tyrannical. It was also truly remark-
 ably, that the boats are to be put on fire,
 upon the beach, too. He also, who pointed
 this, made him and a sailor, with against
 them, who had asked of, what it was
 at which they remained. The third said
 that, I observed, that the people, were
 not so proud of boats as the old pharaohs,
 nor so much of them, as to be so ready
 to put on a rebellion, and the people
 furnished with a second jacket, as it was
 called, a skin, they have a skin in their
 hands. They are not so ready to

It is important to recall that the 1990s were not the ideal time to launch a national infrastructure program, and that the ground was not yet laid for a national infrastructure policy. The first generation of infrastructure programs was not supported by the labor movement. Moreover, the big money made from the oil and gas boom was not being put into infrastructure. Thus the system we currently have is a patchwork of the past 40 years.

[illegible]

ree and undisciplined troops; but your grace has conquered the French and Bavarian armies that were fully instructed in all the arts of war, select veteran troops, clothed with those victories, and commanded by generals of great experience and bravery.—The glorious victory your grace has obtained at Solferino (Sangro and Humber), was very great; very glorious is the result; but they are greater still in their composition to her majesty and her allies. The aspect is thereby relaxed; the empire each time does a dangerous thing in the very breath of it; the marvellous power of France is checked, and, I hope, a happy step made towards restoring of that monarch within her due bounds, and securing the liberties of Europe.—The honour of those glorious victories, great as they are, under the immediate blessing of Almighty God, is chiefly, it was alone, owing to your grace's conduct and valour. That is the paramount virtue of England, and all her majesty's allies.—My Lord, the most honourable House is highly sensible of the great and signal services your grace has done her majesty the campaign, and of the immortal honour you have done the English name, and have commanded me to give you their thanks for the same. And I do accordingly give your grace the thanks of this House for the great honour your grace has done the nation, and for the great and signal services you have done her majesty and this kingdom, the last campaign."

The Duke's Answer.] The Duke's Answer was as follows:—

"My Lords; I am extremely sensible of the great honour your lordships are pleased to do me. I mean to go, on this occasion, to do right to all the officers and soldiers I had the honour of having under my command. Next to the blessing of God, the great success of this campaign is owing to their extraordinary courage. I am sure it will be a great satisfaction, as well as a great reward to the whole army, to find their services so favourably accepted."

The same day, a committee of the House of Commons waited on the duke, to give him the Thanks of that House.

Thanks of the Commons to the Duke of Marlborough.] It was also unanimously resolved by the Commons to give the duke of Marlborough the Thanks of the House, for the signal services he had performed to her majesty and this kingdom, as well as the glorious victories he had obtained by the arms of her Majesty and her Allies under his command, as far his prudent negotiations with several powers and nations, and having appointed a committee to attend his grace for that end, Mr. Compton reported on the 10th, That they had congratulated his grace, as they were directed, and that throughout his grace was pleased to say in this House, "It is a great satisfaction to me—And, with my particular endeavours in discharging my duty to the queen and to the public are so favourably accepted. I beg leave to read a short summary of

doing justice to a great body of officers and soldiers who accompanied me in that expedition, and all behaved themselves with the greatest bravery imaginable. And I am sure that, next door to by the House of Commons, a taking so much notice of it, will give a great satisfaction and encouragement to the army."

On the 10th, her Majesty was pleased give the royal warrant to the two following orders. An act for raising money by sale of land, and measures for carrying on the present war, and an act for continuing the duties upon salt, wine, cyder, and perry, for one year, and so to five years to come.

The Queen's Message relating to the Battle of Waterloo.] Dec. 10. Mr. Chancelor of the Exchequer acquainted the House, that he had a Message signed by her Majesty, and delivered it to Mr. Speaker, who read the same to the House, and was as follows:—

"ANNE B."

"Her Majesty, having taken into her consideration the Address of this House, relative to the great services performed by the duke of Marlborough, does resolve to grant the names of the crown in the honour and Manor of Woodstock, and hundred of Woodson, to said her grace; and direct the assistance of the House upon that extraordinary occasion—the testimony and recognition of the public, the merits and profits of the cause and her died, being granted for two years, her Majesty thinks it proper that remembrance should be done."

A Bill for doing the Honours.] Upon which the House resolved, "That a bill be brought forth for making, to grant the honour name of Woodstock and hundred of Woodson to the duke of Marlborough and his heirs. And it was further resolved, "That an address be presented to her Majesty, that she would be graciously pleased to advance money for clearing the present encumbrance upon the testimony and recognition of public, words, and profits of the honour name of Woodstock and hundred of Woodson, in order to the present performance thereof the duke of Marlborough and his heirs."

PROCEEDINGS OF THE CASE OF THE AYLSBURY MEN."

All the Proceedings in relation to the Aylsbury-Men, contained by the House of Commons: with the Report of the Journal, and the Reports of the persons and of the Free Conference.

"March, 13. the March, 1864. Ordered, "That all the Proceedings in relation to the Aylsbury-Men, contained by this House, the Report of the Lord's Journal, and the Conference, and of the Free Conference, printed.—Ordered, That Mr. Speaker do give the Printer of the said Proceedings, Report, &c."

November 25. A complaint being made to the House of Commons that Robert Mead, an attorney at law, had proceeded in the Cause of *Applary* and *Winn*, and others, (see p. 365.) with the last session of parliament, and others

The last business of this session, with which the parliament ended, was the Case of the *Applinary* Mrs. Robert Mead, who had been brought up had been at first upon the election at *Applary*. The Judges said the Court gave a final decree in the matter was executed, and upon that, the House of Commons brought their action against the said Mead, for refusing their votes. The House of Commons looked on this as a high contempt of their votes, and a breach of the privilege, to which they added a new, and which was, indeed, a crime, that it was contrary to the declaration they had made. At the same time they sent three messages for three persons, namely, John Pary, John Grant, John Patten, for Henry Basse, and Daniel Horne, and committed them to Newgate, where they lay three weeks prisoners. They were all the while well supplied, and much visited, and therefore returned without making any application to the House of Commons. It was not thought advisable to move in such a manner, till all the necessary bills were passed, these messages were made in the name of the House of Commons, upon invitation of *Honour* Carpen, but that statute being only to commandments by the royal authority, did not need to be written.

When the same name, a motion was made with *Applary* Mead upon the common law, in behalf of the prisoners for a Habeas Corpus. The lawyers, who moved it, produced the certificate, in which their offence was set forth, that they had abused the benefit of the law, in that they were not of the House of Commons, to the contrary. They said, the subjects were governed by the law, which they ought not to be bound to know, and not by votes of a House of Parliament, which they were neither bound to know nor to obey. Three of the members of opinion, that the cause could not be argued of the matter, and that the House ought to be remanded; but the chief was that was of another mind. He thought it would be best of convenience for breach of privilege, was of the nature of an execution; and the guard of commandments was upon the warrant, he thought it plainly appeared that the prisoners had been guilty of an abuse of the law, and they ought to be discharged.

Though *Honour* Judges second their opinion, yet he was not one against three, by majority, and the prisoners were to be discharged.

The Pary and Grant, two of the prisoners, and *Winn* of *Applary*, in being the said Mead. This *Winn* was only called, by petitioning the queen, that she would be of the Queen's Bench brought before her majesty in parliament. The Commons were alarmed at these proceedings, and upon an Address to the

defendants in execution, in breach of the privilege of the House.

Ordered, That the names of the said Commons be heard at the bar of the House upon Thursday morning next. Ordered, That the

queen, 'sitting forth the undoubted right, and privilege of the Commons of England in parliament assembled, as concerning the breach of privilege, and that the members of the House are not amenable in any other court whatsoever, and that no such Writ of Error was ever brought, nor such any Writ of Error be in this case, and that as the House had expressed their duty to her majesty, in giving dispatch to all the supplies, so they had an entire confidence in her majesty's goodness and justice, that she would not give leave for the bringing any Writ of Error in this case; which would tend to the overthrowing the undoubted rights and privileges of the Commons of England.

The judges (two only being of another mind) agreed, that, in civil matters, a petition for a Writ of Error was a petition of right and not of grace. It was therefore thought a very strange thing, which might have most pernicious consequences, for a House of Commons to demand the queen, not to grant a petition of right, which was plainly a breach of law, and of her coronation oath. It was no less strange for them to take upon them to affirm, that the writ did not lie, when that was clearly the work of the judicature to declare, whether a lay or not, which was unquestionably the right of the Lords, who only could determine that. Besides, their having supplied the public services, was a strange consideration to be offered to the queen, as an argument to persuade her to act against law, as if they had pretended, that they had obliged her to infringe the law, and to deny justice; since money, given for public service, was given to the country and to themselves, as persons as to the queen. Her answer to this Address was to this effect: 'That she was much troubled to find the House of Commons of opinion, that her granting the Writ of Error, mentioned in their Address, was against their privileges, of which she would always be as sensible, as of her own prerogative; and therefore they might depend, she would not do any thing to give them any just occasion of complaint. But the matter, relating to the course of judicial proceedings, being of the highest importance, she thought it necessary to weigh and consider very carefully, what might be proper for her to do, in a thing of so great concern.' The answer was thought so cold, that no thanks were returned for it; though a well-composed House of Commons would certainly have thanked her for that tender regard to law and justice. The same day the answer was reported by Mr. Secretary Hodges, the Commons proceeded to carry their remonstrance in greater earnestness, and having continued sitting till the evening, voted, 'That Mr. Francis Page, Mr. James Montague, Mr. Nicholas

a breach of the privilege of the House: Or, that the hearings did not comply in form, and the proceedings were illegal. That Daniel Horne do attend this House upon Tuesday next.

A further Complaint being made on the 14th, That since the Resolutions of the

House, to the said House the said writs of Habeas Corpus might be suspended, as usual in law, and the privilege of the House: That the Commons ordered the Resolution to be considered, which was made by the House, to be entered upon their Journal.

Next week, That the proceedings of the House in relation to the *Apishbury* men, entered by the House for breach of privilege, were never placed upon the Journal in that manner, viz. in maintenance of the ancient and undoubted rights and privileges of the Commons of England: and they ordered all

the papers in relation to the *Apishbury* men, to be reported to the Lord's Journals, and the King and the Commons, and that the Paper Complaints be entered. The next day, the House resolved, That the said Representation of the said King, wherein having recourse was made to laws relating to the said, viz. the Statute Law, That the proceedings of the said House against the *Apishbury* men, were wholly new and unprecedented.

That the said right of every Englishman, to be personally heard, to be repaired, so as to be restored to his own's course of justice. That the said laws, which are contrary to the said laws, which he said, and that he said, viz. although the benefit of the said laws be a freedom, and the said property are persons. That the said laws be no such power, and that the said laws be no such power, and that the said laws be no such power.

They ordered the said laws, which are contrary to the said laws, which he said, and that he said, viz. although the benefit of the said laws be a freedom, and the said property are persons. That the said laws be no such power, and that the said laws be no such power, and that the said laws be no such power.

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House the last session, upon the Case of *Asbury and White*, there had been several new accounts brought by John Pury, John Ornt, John Paxon, junior, and Henry Basse, and procured by the said Robert Mord, against the members of *Apishbury*, in breach of the privilege of the House. Ordered, That the matter of the said Complaint be entered upon the Journal of the House upon Tuesday next.

That the said John Pury, John Ornt, John Paxon, junior, and Henry Basse, do attend this House upon Tuesday next. That copies of the original Declarations in the said account be laid before the House.

Nov. 24. Ordered, That Daniel Horne, a plaintiff in one of the suits brought against the members of *Apishbury*, of which complaint was made to the House yesterday, do attend this House upon Tuesday next.

Dec. 2. The orders of the day being read for the hearing the matter of the complaints of several breaches of privilege committed by Robert Mord, John Pury, John Ornt, John Paxon, junior, Henry Basse, and Daniel Horne, and for those attending the House. The subject at issue was called upon, to give an account of what had been done for the satisfaction of them; and he acquainted the House, that his messenger had been at *Apishbury*, and left a copy of the order at Mr. Mord's house, and at his chamber on *Thames-lane*, but that he does not attend, but that all the other persons had been summoned, and do attend.

And afterwards, Mr. Arthur Crabb was called for, and brought in with the same to the bar also and. That he was attorney for the late members of *Apishbury* in five several actions, in the several suits of John Pury, John Ornt, John Paxon, junior, Henry Basse, and Daniel Horne. And that he did serve Mr. Robert Mord, the 6th of March last, with the Resolutions of the House of the last session of parliament, relating to the Proceedings in the case of *Asbury and White* and others, by giving him a copy thereof, and shewing him the Resolutions agreed by the Clerk of the House. And that he afterwards, viz. the 20th of June last, had from Mr. Mord copies of five Declarations in the said account, viz. one from Mr. Mord himself, and the other four left at his house, which Mr. Mord afterwards moved, and that he paid Mr. Mord for them all.

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Which copies of Declarations the said Mr. Cressel produced to the House, together with mine in writing from the said Mr. Mead, the 22d of July last, that he would try one of the said articles, but not the other four, at the next assizes. And thus he withdrew. And the notice was read. And the copy of the declaration between Pury and White & al^s was also read.

And, under'standings, were the same with the former Declarations against White and others.

Then the said John Pury, John Cressel, John Patten, jun. Henry Basse, and Daniel Horne, were severally called in to the bar, and examined, and then withdrew.

Resolved, "That it appears to this House, That John Pury of Aylesbury has been guilty of commencing and prosecuting an action at common law against William White, and others, late constables of Aylesbury, for not allowing his Vote in the election of members to serve in parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House.

"That it appears to this House, That John Cressel of Aylesbury has been guilty of commencing and prosecuting an action at common law against the late constables of Aylesbury, for not allowing his Vote in the election of members to serve in parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House.

"That it appears to this House, That John Patten, jun. of Aylesbury, has been guilty of commencing and prosecuting an action at common law against the late constables of Aylesbury, for not allowing his Vote in the election of members to serve in parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House.

"That it appears to this House, That Henry Basse of Aylesbury, has been guilty of commencing and prosecuting an action at common law against the late constables of Aylesbury, for not allowing his Vote in the election of members to serve in parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House.

"That it appears to this House, That Daniel Horne of Aylesbury, has been guilty of commencing and prosecuting an action at common law against the late constables of Aylesbury, for not allowing his Vote in the election of members to serve in parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the known privileges of this House.

"That it appears to this House, That Robert Mead has been guilty of soliciting and prosecuting (as attorney at law) diverse actions at common law against William White and others, late constables of Aylesbury, for not allowing their Votes in the election of members to serve

in parliament, contrary to the declaration, in high contempt of the jurisdiction, and in breach of the privileges of this House.

Ordered, "That the said John Pury, John Cressel, John Patten, jun. Henry Basse, and Daniel Horne, be, for their said offences, committed prisoners to her majesty's goal of Newgate; and that Mr. Speaker do issue his warrants accordingly."

Ordered, "That the sergeant at arms attending this House do take care that the said warrants be executed."

Ordered, "That the said Robert Mead be, for his said offence, taken into the custody of the sergeant at arms attending this House."

Feb 1, 1703. Ordered, "That the Lords of Newgate do tomorrow morning bring to this House John Pury, John Cressel, John Patten, jun. Henry Basse, and Daniel Horne, committed by this House; and that Mr. Speaker do issue his warrant or warrants accordingly."

Feb. 2. The House being informed, That the keeper of Newgate attended, according to order, with John Pury, John Cressel, John Patten, jun. Henry Basse, and Daniel Horne, committed by this House, several of them were severally called in and examined, and then withdrew. And also the keeper and his clerk and turnkey, viz. Edward Hall, were called in and examined, and then withdrew.

Ordered, "That the said John Pury, John Cressel, John Patten, jun. Henry Basse, and Daniel Horne, be remanded prisoners to her majesty's prison of Newgate; and that Mr. Speaker do issue his warrants accordingly."

Feb. 24. The House being informed, That there have been endeavours to bring a Writ of Error on the proceedings in the court of Queen's Bench, upon a Habeas Corpus granted there for the persons committed by this House to Newgate for breach of their privilege, and thereby to bring the commitments of this House under the consideration of the House of Peers.

Resolved, "That as honorable Address is presented to her majesty, humbly to lay before her majesty the undoubted right and prerogative of the Commons of England, in parliament assembled, to choose her breachers of privilege; and that the commitments of this House are so maintainable in any other court whatsoever. And that as such Writ of Error was ever brought, nor doth any Writ of Error lie in this case. And that as this House hath expressed their duty to her majesty, in giving dispatch to all the supplies, so they have no reason to doubt in her majesty's goodness and justice. That she will not give leave for the bringing any Writ of Error in this case; which will tend to the overthrowing the undoubted rights and privileges of the Commons of England."

Ordered, "That the said Address be presented to her majesty by such members of this House as are of her majesty's grace, honour, and duty counsel."

Resolved, "That whoever is elected, (P)

ness, constrained, or assisted the presentation of the several Writs of Habeas Corpus, brought for the prisoners committed by this House, and since then being remanded have questioned the procuring Writs of Error, are guilty in comparing to make a difference between the Lords and Commons in parliament assembled, and the members of the peace at the law, and have endeavoured, as far as is then lay, to overthrow the rights and privileges of the Commons of England in parliament assembled."

Ordered, "That a committee be appointed to enquire what persons have been concerned in selecting, procuring, or pleading, upon the Writs of Habeas Corpus, or Writs of Error, on the behalf of the persons committed to Newgate for breach of the privilege of this House - or what other persons have procured or abetted the same." And a committee was accordingly appointed."

Feb. 10. Mr. Secretary Hodges requested the House that their Address of yesterday last, in relation to the Writs of Error therein contained, being then presented to her majesty, according to the Order, her majesty was pleased to give this gracious Answer:

"Her majesty is much troubled to find the House of Commons of opinion that her granting the Writs of Error involved in their Address, is against their privileges - of which her majesty will always be as tender as of her own prerogative; and therefore the House of Commons may depend, her majesty will not do any thing to give them any just occasion of complaint: but this matter, relating to the course of judicial proceedings, being of the highest importance, her majesty thinks it necessary, to weigh and consider very carefully what may be proper for her to do, in a thing of so great a concern."

Resolved, That this House will take her majesty's gracious Answer into consideration tomorrow morning.

The earl of Hynd reported, from the Commons approved to examine what persons have been concerned in selecting, procuring, or pleading upon the Writs of Habeas Corpus, or Writs of Error, on the behalf of the persons committed to Newgate for breach of the privilege of this House, or what other persons have procured or abetted the same, the manner as it appeared to them; which they had directed him to report to the House, which he read in his place, and afterwards delivered in at the bar of the table, where the same was read. Upon which it was ordered that all the said persons so concerned should be taken in custody for breach of privilege.

And though the Commons had resolved before to take her majesty's Answer into consideration, yet being apprehensive lest her majesty should grant the Writs of Error, whereby the five Aplebury-men might be discharged from their imprisonment, they ordered them to be removed from Newgate, and taken into the custody of the sheriffs at night, which Order

was executed at midnight, with such circumstances of mystery and secret, as have been before mentioned towards the general offenders."

Feb. 20. Mr. Bromley reported, That the members appeared to search the Journals of the House of Lords, what practitioners have been in that House, in relation to the writs returned committed to Newgate for breach of the privilege of this House, had searched the same accordingly, and had taken thereof what they found relating to the same, and also copies of two Petitions of the said persons, which he read in his place, and afterwards delivered in at the table, where the same were read, and are as follow, viz.

Feb. 20. "Upon reading the Petition of Daniel Harris, Henry Basse, and John Parnham on the one Part, and of John Pary, and John Orist, prisoners in Newgate, on the other, in relation to some proceedings for obtaining the Writs of Error, and praying, amongst other things, the protection of this House for their counsel and agents. It is ordered by the Lords assembled and impeached in parliament assembled, That the said Petitions shall be taken into consideration to-morrow at 12 o'clock, and all the Lords concerned to attend; as also the judges in town, who are to come prepared to speak to the point, whether a Writ of Error be a Writ of Right or a Writ of Grace? And that the Practitioners here notice, that when they stand to this House the names of their counsel and agents they desire to be presented, they shall have the protection of this House for them.

"In pursuance of the Order of this day made, Daniel Harris, Henry Basse, John Parnham, John Pary, and John Orist, prisoners in Newgate, next the names of their Counsel and Agents, viz. James Montague, esq. Nicholas Lechmere, Alexander Denton and Francis Page, Counselors at Law. William Lee and John Harris, Attorneys at Law. Whereupon, it is ordered by the Lords spiritual and temporal in parliament assembled, that the said persons, shall, and they have hereby the protection and privileges of this House, in the defence, applying for, and presenting the said Writs of Error, and that all keepers of prisons, and justice and all sergeants at arms, and other persons whatsoever, be, and they are hereby, lawfully, in respect of any of the same aforesaid, strictly prohibited from arresting, imprisoning, or otherwise detaining or molesting, or charging the said persons, or any or either of them, as they and every of them will answer the contrary to this House."

The Sergeant at Arms being called upon to give an account what he had done pursuant to the Order of the House on Monday last, gave the account he gave yesterday. He gave the House an account accordingly that he had found Mr. Denton at his own chamber, and had him in custody; but that he could not find the other persons.

Conference between the two Houses.] Feb. 28, p. 46. A message from the Lords, by Mr. Justice Treacy, and Mr. Isaac Stodd. "Mr. Speaker, The Lords desire a private Conference with the House in the Painted Chamber, about some several important Labours of the Kingdom."

Which was agreed to, and the messengers being returned, Dr. Ted the Bishop of Hereford reported the Conference, and that it was managed by the Earl of Sunderland, who expressed himself as follows:

"That the Lords have desired the Conference with the House of Commons, in order to a good correspondence between the two Houses, which they will always endeavour to preserve. When either House of parliament have apprehended the proceedings of the other to be liable to exception, the ancient parliamentary method has been to send a Conference; as being supposed, that when the matters are fairly laid open, and debated, that which may have been wrong will be rectified, or else the House that made the objection will be satisfied, that their complaint was not well grounded."

"Such topics as these have reduced the Lords to confound us to suggest you, that upon the consideration of the Petition of Edward Hume, Henry Russ, and John Pym jun, and also of the Petition of John Pety, and John Thum, complaining to the House of Lords, that they have been prisoners in Newgate about twelve weeks, upon several warrants, issued by the Speaker of the House of Commons, bearing date the 24th of December last, for their having conspired and prosecuted officers at common-law, against the late committee of Aylesbury, for not allowing their Voice, at an election of members to serve in parliament; which actions, they alleged, they were encouraged to bring, by means of a Judgment given in parliament upon a Writ of Error, brought in the last session by one Atkley against Wain, and others; and also representing to the same Petitioners, what had been done by them respectively more than one commission, in order to obtain their liberty, and paying the consideration at the House of Peers upon the whole matter; and also upon consideration of a printed Paper, entitled, 'The Votes of the House of Commons,' agreed with the Speaker's answer, and dated the 20th of that instant February; the House of Lords found themselves obliged to pass several Resolutions, which they have recommended us to communicate you at this Conference; and are as follow—

"1. It is Resolved by the Lords spiritual and temporal in parliament assembled, That neither house of parliament hath any power, by any Vote, or Declaration, or course of themselves any new privilege, that is not warranted by the known laws and customs of parliament."

"2. That every Freeman of England, who is privileged by law to be secured, has a right to seek redress by action at law; and that they

contumacious and prosecuting an action at common law, against any person (not entitled to privilege of parliament,) is an abuse of the privilege of parliament."

"3. That the House of Commons, a meeting in Newgate, Daniel Harris, Thomas Hume, and John Pym, jun. John Pety and John Thum, for conspiring and procuring their officers and commissioners, against the committee of Aylesbury, to move the House of Commons to order the Voice of members to serve in parliament, upon petition that therein they was contrary to a declaration, a commission, the prohibition, and a breach of the privilege that House, have assumed to themselves, a legislative power, by procuring to obtain the force of a law to their declaration, and claimed a jurisdiction, not warranted by constitution, and have assumed a new privilege, to which they can show no title, law and custom of parliament, and thereby, as far as in them lies, to invade the Rights of Englishmen, and the liberties their persons, to the arbitrary power of the House of Commons."

"4. That every Englishman, who was moved by any authority whatsoever, to invade his undoubted right, by his agents, or friends, to apply for, and obtain a Writ of Habeas Corpus, in order to procure his liberty by the course of law."

"5. That for the House of Commons, to censure, or punish any person for coming a prisoner to procure a Writ of Habeas Corpus, or by vote, or otherwise, to desert from soliciting, procuring, and paying upon such Writ of Habeas Corpus, itself off each prisoner, is an abridgement of the consequence, a breach of the duty which was provided for the liberty of the subject, and of parliamentary privilege, by denying the necessary assistance to the prisoner, upon the payment of the House of Commons."

"Has ever been allowed upon all commissions, by any authority whatsoever."

"6. That a Writ of Error is not a Writ of Grace, but of Right, and ought not to be used in the subject, when duly applied (though at the request of either House of parliament,) the fiscal thereof being a violation of justice, contrary to Magna Charta."

"In these Resolutions, the House of Lords have expressed that regard and respect which they have always had, and will continue for the rights of the people of England for the liberties of their persons, and the ancient and apostolical constitution to the present the known course of law, whereupon the sense of our constitution depends; and hope that, upon consideration, the House of Commons will be of the same opinion in resolutions resolved by the Lords, and with their lordships therein."

Ordered, That the said Report be taken into consideration in another Meeting: That

the ancient and fundamental rights of the House of Commons, and their proceedings, considered, and treated in a manner unknown to former parliaments, and that your lordships had interrupted all debates, by delivering positive Resolutions, and their proceedings at your lordships, proceeded only upon the petitions of criminals, and that they were all your lordships and the pleasure of the Commons, and upon a printed paper, which was not regularly before your lordships.

Though this manner of proceeding, as well as the nature of your lordships Resolutions, might have justified the House of Commons in refusing to converse with your lordships, as their proceedings have done upon this occasion; and though the Commons cannot submit their privileges to be determined or censured by your lordships, upon any pretence whatsoever, yet, that ending may be wanting on their part to induce your lordships to retract these Resolutions, they proceed to take them into their consideration.

Your Lordships last Resolution is, viz. 'That neither House of Parliament hath an power, by any Vote or Resolution, to create or dissolve any new Peerage that is not warranted by the Law here last enacted of Parliament.'

As the Commons are here qualified themselves in debate, as asserting their privileges, so they wish your lordships had observed it in all your proceedings. This had surely taken away all colour for disputes between his majesty's two Houses of Parliament, and every just grievance of complaint from those the Commons represent. This would effectively put an end to that encroachment on jurisdiction, so lately assumed by your lordships, and to other complaints of by the Commons, as to the hearing of Appeals from Courts of Equity, in your lordships House. This would have hindered the bringing of original cases before your lordships, and your unwarrantable proceedings upon the Petition of Thomas last Wharton, complaining of an Order of the Court of Chancery, bearing date the 17th of July, 1701, for doing the record of a charter of the house of Richmond and lordship of Middleham in the county of York, an attempt which (contrary to the natural, legal jurisdiction of parliament hereafter exercised, for the relief of the subject oppressed by the power of the great men of the realm) was, in issue of one of your own body, to suppress a public record, which all his majesty's subjects had an undoubted right to make use of, an attempt that tends to render all laws and recoveries, and other records, upon which estates and is the depend, precarious, and consequently subjects the rights and properties of all the Commons of England, to an illegal and arbitrary power.

A due regard to the same rule, would have prevented your lordships suppressing the Petition presented in the last Conference, which

set forth, 'That the Lords having given judgment in the Case of Ashley and Wren, viz. That, by the known law of that Kingdom, every freeholder, or other person, having a right to give his vote at the election of members, sits in parliament, and being wilfully seized or hindered so to do, by any other who ought to remove the same, may sue at law, or in the Queen's courts, against such other, to vindicate his right, and recover damages to be made.' The Petitioners shew that they had the like reasons in their own case.

Whereby an extraordinary Vote of your lordships is voted as a Judgment of parliament, and standing law in that case, your lordships having no jurisdiction for the maintenance of process, unless, that, after having examined yourselves the hearing of appeals from Courts of equity, you would now bring up your lordships from the proceedings of the Commons, who are not accountable to your lordships for these.

Your Lordships second Resolution is, 'That every freeman in England, who applies to law, shall be regarded, as a right to sue, and shall receive it free; and that the hearing and proceeding on any such case, shall, against any person that comes to parliament of parliament, be a breach of the privilege of parliament.'

To which the Commons say that no freeman, and every subject of England, has right to seek redress for an injury, but no such person must apply for that redress to your lordships Court, which body, by ancient laws, usage, the constitution of each nation, should your lordships Resolution be taken for original proposition, all disputes of all several courts, viz. common-law, equity, spiritual, admiralty, and other courts, will be destroyed, and, in the confusion of process, the high court of parliament is made in your lordships Resolution.

However, the Commons conceive it would your lordships should favour the several propositions that all rights whatsoever, may be redressed by actions at law, when your lordships proceed to allow the last resort of jurisdiction by Writs of Error, so that your lordships are, in this, only extending jurisdiction under the colour of a right redress for the relief of the people without effecting persons.

The Commons are surprised to find your lordships assert, that the Commons are exercising an action against a person not the privilege of parliament, is no breach of the privilege of parliament, since it is not done in conscience and proceeds in which would bring any matter or cause before parliament, to the examination and determination of any other court, destructive to the privileges of parliament, that to examine and proceed against a person only who is entitled to the privilege.

Commons, to have the sole examination and decision of all causes relating to their petitions, as aforesaid. It follows, that any attempt to draw any such cases to the determination of any other court, is a breach of the privilege of the House of Commons; for which the person offending may be committed by the House.

And have we cannot but take notice of that unreasonable, as well as unseasonable convention, whereby your lordships endeavour to separate the interest of the people from their representatives in parliament, who pretend to be judges, but upon their account, and for their benefit, and are easy to say, they are thus severely reflected on by poor lordships, for no other reason, but for their endeavouring to preserve the rights of the people, and their liberties, from your lordships' arbitrary detestable attacks.

Your Lordships' fourth Resolution is, 'That every Englishman, who is imprisoned by any authority whatsoever, has an undoubted right, by his agents, or friends, to apply for, and obtain a writ of Habeas Corpus, in order to procure his liberty by due course of law.'

The Commons do not deny that every Englishman, who is imprisoned, by any authority whatsoever, has an undoubted right to apply to his agents, or friends, in order to procure his liberty by due course of law, provided such application be made to the proper place, and in a proper manner; so, upon the determination of the House of Commons, (which determination not, as other committees, is now to long to trial) but now, in case of breach of privilege and contempt, the proper jurisdiction of the House of Commons, the application ought to be so that House.

The Commons are so willing to allow and encourage every Englishman to apply, by his friends, next to, to obtain a Writ of Habeas Corpus, in order to procure his liberty by due course of law, that they have not committed themselves merely for applying for such Writ of Habeas Corpus, even in cases where by the terms of the process cannot be discharged. For the Commons must observe, that in many cases a prisoner cannot, upon a Writ of Habeas Corpus, obtain his liberty: For, in case of commitment in execution, or for default in any Court of record, or by virtue of a process, or the like, and in the case of Habeas Corpus, several cases are expressly excepted; and that no person, committed in contempt, or breach of the privilege, by any of Commons, can be discharged upon a Writ of Habeas Corpus, or by any other authority, than that of the House, or the common parliament, or place from which committed.

1704, 1 Jan 1. Ordered, *James Ogle* to be sent for further, and to attend the House.

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be taken from us, and committed by any other.

In May 1674, the House of Commons having resolved, That there lay no appeal to the jurisdiction of the Lords, from causes of equity; and that no member of the House should prosecute any appeal from any court of equity, before the House of Lords; *Sergeant Pemberton*, *Sergeant Peck*, *Mr John Churchill*, and *Charles Porter*, esq. were committed to the custody of the serjeants of the House, for a breach of privilege, in having been concerned in the bar of the House of Lords, in the prosecution of a cause depending upon an appeal, whereas *Mr Dalrymple*, a member of the House of Commons, was concerned.

But the request having been by some procured from keeping them in custody, the Commons did, the 4th of June 1674, against the Lords, at a Conference, as follows, viz.—
"We are further commanded to acquaint you, that *Charles Porter*, while person imprisoned by order of the House of Commons, by the gentleness either of the black-red; and the parliament with threats, to all others, and other persons whatsoever, not to receive or detain them, is an apparent breach of the rights and privileges of the House of Commons. And they have therefore caused them to be removed into the custody of the serjeants at Arms, and have committed them to the Tower."

The said Council were afterwards committed to the Tower for a breach of privilege, and contempt of the authority of the House; and the House being informed, that the Lords had ordered Writs of Habeas Corpus for bringing the Council to the bar of their House,

The Commons then passed the following Resolutions.

June 7 Resolved, *mem. con.* "That no person, committed for breach of privilege by order of the House, ought to be discharged, during the session of parliament, but by order, or warrant of the House. 2. That the prisoners of the Tower, in receiving and detaining in custody or *John Churchill*, *Serj. Peck*, *Serj. Pemberton*, and *Mr. Porter*, performed his duty according to law; and for so doing he shall have the reward and protection of the House. 3. That the prisoners of the Tower, in case he hath received, or shall receive any writ, arrest, order or commitment, to remove or deliver any person or persons committed for breach of privilege, by any order or warrant of the House, shall not make any return thereof or yield any obedience thereto, before he hath first signified the House, and obtained their order and direction how to proceed therein."

Ordered, "That these Resolutions be immediately sent to the prisoners of the Tower."

Afterwards the Treasurer of the Tower gave the House an account, that he had refused to deliver the Council upon the Lords' Order, signed to him by the black-red, because they were committed by the House; and that

after he had received the Votes of this House, he had Writs of Habeas Corpus brought him, to bring the counsel in the House of Lords at one o'clock, the next morning, and humbly asked the direction of this House what to do.

Mr Speaker requested to know he should forbear to return the writs.

And the House came to several other resolutions:

June 3. Resolved, *non est*, "1. That no commoner of England, committed by order or warrant of the House of Commons, for breach of privilege, or contempt of that House, ought without order of that House to be, by any Writ of Habeas Corpus, or other authority whatsoever, removed or taken out of prison, and do, and receive a determination in the House of Peers, during the session of parliament wherein such person was committed. 2. That the Clerk of the House of Peers, for the bringing out of Writs of Habeas Corpus concerning William Peck, or John Churchill, against Pemberton and Mr Charles Porter, impeached and deposed, for that it is against, and expresses in particular cases of privilege, and commands the King's great seal to be put to Writs not returnable before the said House of Peers. 3. That the Lord keeper be acquainted with these Resolutions, so that the said Writ of Habeas Corpus may be suspended, on contrary to the law and the privileges of this House. 4. That a message be sent to the Lords, to acquaint them, that against Peck, or John Churchill, against Pemberton, and Mr Charles Porter, were committed by order and warrant of this House, for breach of the privilege, and contempt of the authority of this House."

March 22, 1697 Charles Dancumb, an having been committed by order of this House, and afterwards discharged by order of the House of Lords, without the consent of this House,

"Resolved, That no person committed by this House now, during the same session, be discharged by any other authority whatsoever. That the said Charles Dancumb be taken into the custody of the Sergeant at Arms attending this House."

There are some instances, among many others, that might be produced upon this occasion; and the last reason has been particularly exemplified by some noble lords, that shew that in the House of Commons, and especially amongst the members of the Commons,

Your Lordships' 5th Resolution, viz. Resolved,

- 1. That for the House of Commons to remove or punish any person for committing a privilege, or to procure a Writ of Habeas Corpus, or by any other authority, to deliver him from custody, committing, and pleading upon such Writ of Habeas Corpus, in behalf of such person, is an attempt to dangerous consequence, a breach of the many good statutes passed for the liberty of the subject, and of particular example,

- 1. by depriving the necessary assistance of justice, upon a constant and arbitrary of Commons, which however been upon all circumstances by any authority whatsoever."

The Commons take this to be an invasion of your lordships' branch of your rule, your lordships being no judges of privileges; though by this Resolution you make a Judgment without having known what the Commons have to shew for them.

The strange, therefore, of your lordships' dangerous consequence, leading to a total of the good understanding between the House, and of some persons, example, 1. Commons have permitting, in consequence of the demand that have presented the return of the Writs of Habeas Corpus, in behalf of the prisoners, it duly considered, a great instance of the temper of the House of Commons. For this House did not when the petition applied to the lord keeper, and the judges to be heard, and had the year almost as much to do, as to have a question in the opinion of the lord keeper, and the judges, that these prisoners were libelable by the statute of Habeas Corpus. Commons had never taken any notice of that they would not be satisfied with sitting upon upon this case, and the privilege the Commons were, with great reason upon it, desired, and insisted as parties, not with any hope or prospect of relief of prisoners, (which is the whole proceeding here apparently being only the task of some deluging persons, that are concerning every to disturb the freedom of the Commons, in doing but in order to cast their new design against the Commons of England, and with design to overthrow their fundamental rights, after so much industry shown to the Commons, they could do no less than to the objection, propositum, counterminution, system, of a pretension to carried on, the quality of comparing to make a difference between the two Houses of parliament, in the nature of the power of the Commons, with least consideration, so far as to turn to overthrow the rights and privileges of the House of England in parliament assembled.

And the Commons, in answering the year, have only done that right is shown, which your lordships have frequently in cases of personal privilege, where the violation of your lordships' House is

Your Lordships' last Resolution, viz.

- 1. Writ of Habeas Corpus is a Writ of grace.
- 2. right, and ought not to be done.
- 3. subject, when duly applied for.
- 4. the request of either House of parliament.
- 5. the demand thereof being an object.
- 6. justice, contrary to Magna Charta.

The Commons shall not enter into controversy, whether a Writ of Habeas Corpus is a Writ of grace, they concerning only

which as Wife of Error lies, nor Wife of Error brought or others place before; and the allowing it could not only subject all the people of England, but the House of Commons, to the shame of the House of Lords.

Your Lordships consider of Justice: Wife of Error is considered, how such is its foundation; how consistent with our constitution, which, as all respects, is the worst and happen in the to suppose the last resort in Justice, and its legislation to be differently placed?

And, when it is considered how that corruption, in being of apprehension from courts of equity, usually traced, though often derived and pointed against, is still increased, and almost every man of parliament corrupted, it is not who wondered, that, after the success our bills have had in their great advances our constitution, your Lordships should take in amongst you the whole frame of it, by drawing the choice of the Commons representative your determination, for that is a consequence, from your Lordships giving the law to others, and your consequence a Wife of Error, which, if allowed upon such a proceeding, might as well be considered upon the same and proceedings of our to or corruption of justice. And though the present manner has been brought in, is that the opportunity of preserving liberty, it is a circumstance will as well hold to: removal the taking and discharging property in all cases.

And the Commons cannot but be as your Lordships are considering, to all men, to bring a woman in to liberty and property, and in London, and miserable people of your Lordships' jurisdiction, which would involve up with the strength of the crown, and the rights of the people, and which your Lordships must give the Commons lives to say, they have the greater reason to stand, when they consider in what manner it has been said.

The manner whereby they disturb, they hope your Lordships will reform. They desire rather to compare the old, than any new legislation.

For which, the Commons hope, that, in consideration of what they have had your Lordships, you will be fully satisfied and nothing in all these proceedings what they are sufficiently justified in, and the Commons and our parliament; and that your Lordships all and increased jurisdiction over the known laws and customs of your Lordships in the country of the liberties of the people of England.

By the said Report was left with at a Conference; after which the a Free Conference, which was

at Arms, according the House, raised the House; that he had ver-

ified in his Speech of the day.)

The House began the consideration of that matter: And after Debate,

Resolved, "That on Complaints presented by the House of Commons, of breach of privilege, or contempt of Court, ought to be, by any Wife of Error, made to appear in any other place, or upon any other pretence, during that session, in which such petition was presented."

"That the Sergeant at Arms attending the House, do make no return of, or yielding obedience to the said Wife of Error; and, for such he refused, that he have the protection of the House of Commons."

"That the Lord-Keeper be acquainted with the said Resolutions, to the end, that the said Wife of Error may be superseded, in contrary to law, and the privileges of this House."

Ordered, "That the clerk of the House do acquaint the Lord-Keeper of the great seal of England with the said Resolutions."

Free Conference] March 15th. The Report as above proved at the Free Conference was delivered by Mr. Denby, as follows.

That the Lords who appeared as managers, and spoke at this Free Conference were, the Earl of Sandford, the Lord Fevers, the Bishop of Salisbury, the Lord Hobbs, the Lord Wharton and the Duke of Devonshire Lord Treasurer. That the Free Conference was begun by the managers for the Lords, who told, that Conference was desired in view to a good correspondence between the two Houses, which was never more necessary than at this time.

That the delivering Resolutions at their first Conference was parliamentary, and returned the Resolution 5 Car. 1, which produced the Petition of Right.

That the Lord took upon the Commons to be a great part of the constitution, which cannot be preserved but by doing right to both Houses.

That every part of the body politic, as well as the body natural, ought to be kept within due bounds, as excess in any member will weaken the whole.

That the Constitution is the welfare of the world, and glory of this nation; it is founded upon Liberty and property: and the House of Commons hath been a great fence and bulwark of liberty.

That the Lords' Resolutions are very well founded, and justified in the laws of the land, as in their petitioners in this case.

That it was proper for them to receive the Petition, and make those Resolutions thereupon.

That the Lords are the great court of justice.

1679; and when the courts below have declared in opinion, there has been resort to the Lords for their judgment, so is the Case of hundred of half-blood claiming shares of inheritances &c.

That when such a Complaint comes before the Lords, they ought to give their opinion as to the law of the land, and that was the foundation of their present Resolutions.

1. That the first Resolution was, as often agreed to by the Commons, though they go off in foreign matters, so that the Lords take no notice.

That the law of the land can be altered only by the legislature.

2. That the second Resolution asserts the subjects address by action at law, &c.

That all constitutions have declared the their safety; that every man, from the highest to the lowest, hath the protection of the law.

That, according to our constitution, the subject may contest his right with the crown, and upon equal terms, with that respect which is due.

That this Resolution only asserts the right, does not take the respective Courts, where the address is to be had. If the party mistakes the Court, he is punished by costs of suit.

The term of a 'privileged cause' is new, and the doctrine unknown.

3. To support the said Resolution, it was urged, That the breach of privileges was not well grounded.

That it belongs to the crown to make Declarations; the Commons did indeed make Declarations; and when their prince was murdered, they came to Declarations.

That a law, without promulgation, cannot have force to make an offence.

The liberty of man's person is the greatest privilege, and not to be taken away, but as laws it uses; the revoking of it has shook the best constitutions.

That the taking away the liberty of one man's person, may endanger the government of others.

That both Houses may commit for breach of privilege, but cannot declare any thing to be a privilege, without good grounds, nor consequently make any thing a contempt, that is not known to be so.

That Contempts, or Crimes, have not been tried upon actions at law, though such crimes have brought the proceedings or privileges of either House in question.

That, in the case of Freedom of Speech, which is the greatest privilege, there was a Judgment in King Charles the 1st's reign, in the last of those things, against some members, for Speeches in parliament: that the Commons first condemned, and then by Conference brought it before the Lords, who came to a Resolution, that it was erroneous, and desired the lord Keeper to bring his Writ of Habeas; and thereupon it was certified by the Lords, at the time

of Charles the first; which shows the case to be Lords had of the Commons privileges.

That in *Scots and Bernardine's Case*, the Commons did not concern themselves, and support of the action, when in 1674, they entered the judgment of appeals as a privilege.

That the Lords had not interposed in any vote, which concerned the proceedings of the House.

That the earl of Berkshire (as he was called) was, by the Lords, adjudged to be so; that he was committed to the King's Bench, and by absence of an indictment of crime against him, as Charles Knowles, was he placed out of custody of an Earl; and in consequence, that the Order of the Lords was repealed, was reversed by the Court, and dissolved.

That the late bishop of St. David's was presented to the spiritual Court, and despite though a member of that House; and the Lord did not interpose.

That it is the wisdom of all governments, to have the law even; and that is the difference between a legal and an arbitrary government.

That the Lords do not meddle with the Commons' right of determining their own election, they have a settled possession of it, which is right. But if all the rights of subjects consisted in these elections are to be determined there, that will bring all questions of Free and the allowance of all Charters, and all liberty and property before them.

That a freeholder of 10s. per annum has right of suffrage, to which he is born, and if his vote is denied, he is distressed, unless the words of his Vouch; and if he shall come to the House of Commons, they will neither give him damages nor costs of suit.

That a freehold cannot be determined any Court which cannot give an Oath.

That the Precedents produced concern in the right of determining elections is good.

And an action by an elector, for his right Voting, does not void the election.

4. To maintain the fourth Resolution, it was said, That it may be hard for a man to fight for his liberty, when he cannot have it.

That the proceeding in 1675, produced no precedent in this Case, were upon a case concerned between the two Houses, and ended differently in the Lords House. That the bastment of the Tower were turned out; and the ferment was so high, that the parliament was prorogued, and soon dissolved.

The fifth Resolution is a consequence of the fourth.

That the complaint of the breach was not for licentious speech, as was imagined the last Conference, but for pleading the return of the Writs of Habeas Corpus.

That it is the particular character of a common Court called the Inquisition, that it does appear for, or resort to a person seized there, but is left to the common Court.

The lawyers are not to be accountable for every thing, they argue; they are to do their duty on these claims, and the Court is to judge of it.

5. The Commons declaring the last Resolution to be agreeing to it, though not as parliament: so it would have been to have agreed to a bill.

Thus the Lords are the only proper judges, whether the Writ of Habeas lies before them.

To these Arguments the Managers for the Commons answered.

That they agreed the necessity of a good correspondence between the two Houses, especially at this time of common danger; and that the Commons had fully shewn their desire to maintain that good correspondence, by condescending to meet their lordships at this new Conference, although their ancient and lawful and privileged had been called in question, and denied by those lordships, and that as an extraordinary and very unparliamentary manner.

That the delivery of Resolutions is no far from being the only method of Conference, but the more used method than been to offer a bill, writ, or Resolution, and it would be so difficult to give any reasons (before they) whether the delivering positive Resolutions at a Conference, without the reasons, at the same time, is agree to them, and that unless they consider such Resolutions.

1. That the Commons' Answer to the Lords' last Resolution, is not foreign to the subject-matter of the Conference: because the Commons apprehended the subject-matter to be the lordships denying the privileges of the Commons, on the one hand, and their refusing their own petition, beyond its proper limit, on the other: and therefore the Commons could not but take notice, how far their lordships had transgressed in the exercise of an extraordinary jurisdiction, in contravention to the very rule they had laid down for the use of the proceedings of the Commons, and by which the Commons had strictly governed themselves.

Thus though the Commons cannot make any petition, yet, as Coke's 18 Reports, fol. 41. is only the privilege of parliament, rather of the upper House, or of the House of Commons, belongs to the determination or determination of the court of parliament, for every man hath a right to adjudge these own proceedings according to the book of Ed. 4, as John Smith's Case.

1. To these lordships Arguments for their second Resolution your managers answered.

That every person injured, hath a right to redress, but that this redress must be sought in the place where the matter is properly cognizable.

1. To what the Lords offered upon the third Resolution, your managers answered;

That matters of Justice do not belong to the courts below, but only to the House of Commons, which hath been in long possession of them: that there was an act of parliament made at the time of King Henry the 6th, to give an action for a false return of members to serve in parliament, because so much action lay at that time time, it is this way conveyed.

That double return not being within that statute, an action lay to the courts of common-law, for making any double return, till the statute 7 and 8 William 2.

That, besides the instances given, in the Answer the Commons gave to the Lords' Resolutions, at the last Conference, the distinction as to privileged cases, is fully and undeniably warranted by the statute, made at the first year of King William and Queen Mary, entitled, 1. An Act declaring the Rights and Liberties of the subject, and setting the commons of the Crown: where, among other endeavours of the late King James, to subvert and usurp the laws and liberties of the kingdom, there are mentioned, "by violating the freedom of election of members to serve in parliament, and prosecution in the court of King's bench, for matters and causes only cognizable in parliament."

Besides, that there are privileged cases as well as privileged persons, against those houses, a parliament, and afterwards attachment, has, for many in the spiritual court for a temporal cause determinable in the temporal court. There are divers laws within this realm, of which the common law is but one, as appears in Coke's 1. Inst. fol. 9. 3, where he mentions "lex et consuetudo parliamenti, et lex communis," as distinct laws.

As there are several laws, so there are several courts and jurisdictions, and the most proper for these several laws, and several jurisdictions: of these the high court of such courts is the first: "Lex et consuetudo parliamenti" is a great branch of the law of England, and many cases are to be determined only by that law, as appears in the last fol. 23.

With such cases there is their nature parliamentary, and so to be determined by the law of parliament, the common law, and common-law judges have nothing to do, as further appears, 4 Inst. fol. 14, 15. where the exceptions are very suitable to the present controversies.

To the persons answering in the prosecution of such cases, either a prohibition by the Commons, for that such cases belong to their jurisdiction, the committing them for the breach of their privileges in that particular, is no more than is done by the common law courts for a like contempt, when persons will sue, after a prohibition, to the spiritual courts, and the Commons' usual way to defend their privileges against such encroachments, has been by committing the trials and judgments thereof.

It is a fundamental maxim of the law and custom of parliament, which is the highest and noblest part of the law of England, and particularly adapted to the preservation of the libe-

to consider all. Especially since the second way to dispute the proceeding the money given by the Commons, which must come here to them, the House will never begin with the Commons, but by that means they can resist Error: were they never were the Commons must consider the proceeding in all such innovations, or else they lose, for such continuance, all their power.

Mr. Speaker of Edward Haller, Mr. John Ellis, 1705, the Commons declared the duty of the House in 2 Car. 1, to be an illegal help against the privilege of parliament, and that they did themselves, before they were bound by the Lords themselves.

And yet, because it concerned the Lords as well as the Commons, they imported their petition, to the Lords, who concurred with the Commons; and the Writ of Error, which afterwards brought in the House and returned to the Lords, and not as all by the House alone. Commons, they rested upon their own strength, it is known illegal Judgment.

Mr. Jones, in way of Reply, and further, that the Commons do liberty and property, and that proceeding, which the Commons had made up to stop.

Mr. Jones, therefore, then more, asked by the Commons, the fundamental rights and if the Commons are not.

And it is the same terms the Commons are not, when their liberties were attacked. That the true method of conference is not by question and answer, but by Resolution, which are not so binding, but if the House is convinced by arguments, they may change.

And the Lords, now, may regularly take notice of the Commons, when it contains with Commons, as all persons are bound to take notice of the House of Commons.

That the right of the House of Commons to make laws is not in question, but the Commons are changed, but the Commons are bound to support them are very much.

And the Commons are Francis Goodwin is not bound to the Commons' Order, being made in the Commons. Answer to the Lords' Motion to the Commons' proceeding, in the Commons, which is a particular Order of the Commons, they having before the Commons, that it is not taken by the Commons, with the Commons, and that, as the Commons are bound to support them are very much.

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That by the Writ of Error brought in the House of Commons, upon the demand of a Prohibition, and finally, and by the Lords, it appears, when a record comes in, upon a writ before them, they are so just as to dismiss it.

That, instead of proving the law, the consequences are argued, which is not a legal arguing.

That the question is, whether the House is bound to grant a Writ of Error? If the House is bound to grant a Writ of Error, it is not to be bound for any body of men to interfere with the House, and stop it, to hinder that Writ, which, by the opinion of the Judges, the House ought to grant.

She is obliged to, by Major Charles: "Null in rebus, null in iudicio, potestas."

That whether a Writ of Error lies or not, will afterwards be proper for the Judges to the Court, so it is of any other Court where a Writ of Error is returnable.

That the Commons are very safe, and may depend on the Lords will be an order of their petition to of their own.

That whether privileges belong to the Commons, is a matter to the Lords also. In the consequences of the Commons are free from the separation of the Courts below, those of the Lords will be so too.

That 2 C. 1. the Commons maintained, that the measure of persons being liable, is not from the measure which committed, but from the measure of commitment.

That Mr. Jones further observed, that subject matter was settled first in conference, before, between the Lords and Commons, and still more strongly in parliament.

That the Lords' concern for liberty and property, is equal with that of the Commons, for the Lords' liberty is their law, and consequently their property too, than that of the Commons.

The Lords are less surprised at the extent of the Commons, than the Commons, who are the trustees of those who sent them, and are bound in duty and interest to preserve their liberty and property, and having but a nominal decision, which is at the last, and expiring, it is not to be imagined they will intrude what they are entrusted with, or so much concerned to maintain, and that so seriously, that the Lords' liberty is their law, who are much less concerned, but as it is to be feared, as these things as well as freedom is liberty.

As the Commons were delinquent, as matters of undoubted truth and law. And the Commons' proceeding the Commons are to be tried by the Commons, though they were no parties to the making done.

1. The first is not to be excepted against; and is not new law, as if the Commons had passed the contrary, which they are not said to do.

2. To the second, there are many inquiries for which no instance at law is allowed; as if a Judge gives a wrong judgment, it is redress by Writ of Error is unsatisfactory for the damage.

So for other writs of a Judge, or Court of justice.

tion, as denying a *Writ of Habeas Corpus*, or *habeas corpus* act, but upon the last instance.

That these lordships, not making any distinction between matters and causes, which were exempt from the cognizance of the common law courts, as being solely cognizable in parliament, and causes which were exempt only in respect of the persons sued, being entitled to privilege of parliament, seems to be the occasion of the mistakes their lordships have entertained, in relation to the proceedings in the Commons; that the House of Commons is a court of jurisdiction in many respects; and, in such, both as well as other courts, causes proper and peculiar to its jurisdiction.

That the law books, and particularly the *lord Coke*, speak of matters of parliament which are not to be determined by the common law, but according to the law and usage of parliament.

That all matters moved or done in parliament, must be questioned and determined there, and not elsewhere, has been heretofore asserted by the House of Commons, as their ancient and undoubted right, and has been allowed both by the judges of law, and by their lordships. And when the judges of the King's Bench, in the 22d year of King Charles the First, upon an information against Mr. John Eliot, Mr. Holles, and others, held, that matters done in the House of Commons, if not done in a parliamentary way, might be questioned elsewhere; that judgment was afterwards reversed in parliament.

That their lordships allowed all matters relating to elections, ought to be determined solely by the Commons; and though their lordships attempted to make a distinction between the right of election, and the right of return, yet their lordships cannot find room for such a distinction, unless they would say, the right and qualification of the electors was a matter not relating to elections.

That by the *Parliament Roll*, 11 Edw. 7. it appears a petition was exhibited by parliament, and allowed by the King, that the liberties and privileges of parliament should be discussed by the parliament, and not by any other courts, nor by common or civil law; and, therefore, when the judges have been asked their opinions in relation of parliament, they have answered, that the privileges of parliament ought to be determined there, and not by any other; as they did in the case of *Thorp*, Speaker of the House of Commons, 21 Ed. 4.

That these matters are not exempt from the determination of other courts, in respect of the persons sued, for then they might be determined there after the time of privilege was expired; whereas it is evident, that such matters and causes cannot be determined, in any other court than that of the parliament, after the expiration of the time of privilege, any more than before.

That these matters are determinable in parliament, although the persons prosecuted are not entitled to the privilege of parliament, as appears by many instances, particularly by that of the mayor of *Westbury*, in the 22d

year of *Eliz.* who, for taking 4l. to give him elected a burgess for that borough, fined and imprisoned by the House of commons, although he was not a person entitled to the privilege of parliament.

That it may be as well said, that it is a matter amenable for refusing any of the, a right of precedence in parliament; cannot be imagined the House of Commons be content the same should be brought in and tried, in any of the courts of law, and decided by a Jury at Commons.

But the same arguments will hold for refusing such an action, to recover damages, refusing precedence to him that hath right, as for maintaining no action in matters of magis, for refusing to take down upon threat the vote of an elector. For it may with equal reason be said in both cases, that the plaintiff hath right, that the defendant refused his that right, that such refusal is an injury, and consequently ought to be repaired in damages.

2. As to the third Resolution, the Commons are not accountable to the House of Lords, in any other court, for what they did in it in that.

Their privileges being rights peculiar to them, what is their privilege, and the breach of it, is only amenable, and to be judged by themselves.

That the courts of Westminster-hall have that difference for each others judgment, in controversies for contempt or disobedience, which are frequent every term, notwithstanding, though oppressive, will not refuse to proceed by *Habeas Corpus*, or otherwise; but he must address to the court which examines him, such law as an inferior court do it.

The House of Commons therefore require the same difference from those courts as they pay each other; and also from the Lord House what is due to a common or particular. The Commons taking themselves to be superior to any court in Westminster-hall, not allowing any court in the government to be their superior, no more than their predecessors have done.

The Commons do not intend by their elections to make a new law, but hereby show what the law was, and prohibit or prevent to act contrary.

The same Declaration is not peculiar to the prince, but is a general term in Westminster-hall.

The constitution was not for acting contrary to the vote of the Commons, but for contrary to law, after the law was certified them by that Declaration, and they should be prohibited to proceed in that matter.

To act then in a true light, if a case be the adversary, or constitutional case, the matter properly cognizable at commons; the party shall not intend to be committed concerning that suit; but if the defendant in such suit obtains a prohibition, which is contrary to the law, and gives the plaintiff

under that law is contrary to law, and therefore prohibits him to proceed any further therein; if he does proceed, an attachment will issue to arrest him: for breach of prohibition, as it is said, though in truth, it is far more contrary to law, after he had been adjured when the same was.

But there is one difference between this prohibition complained of, and the prohibition mentioned, but in the same rule; both declare what the law is; both admonish the person offending, and both command him not to proceed, as that there is no such reason to complain of a prohibition at law, as of the declaration mentioned in the Resolution.

4. To the fourth Resolution, if it respects the persons committed by the Commons, they appeal to the application ought to be to their House.

5. For the fifth Resolution, the Commons have the most exception to it as they had to the first Resolution. For if counsel, attorneys, solicitors, are prohibited, and act contrary to the order of any court, they are guilty of a contempt of that court, and for such contempt they may be taken into custody.

To their lordships' last Resolution, it is very true, that in the last reign the House of Commons did so resolve in the case of Sir Thomas Armstrong, or hath been cited, which case was, that Sir Thomas Armstrong was committed to high-treason, and afterwards fled beyond sea, where he was at the time of the exigent awarded against him, and afterwards, when upon writ the exigent awarded, he was brought prisoner into England, and would have been of Error, but it was denied him, upon which the House of Commons made the Resolution mentioned. At the common-law, if a person had been guilty of a capital, or any other crime, and had been in England at the time when indictment brought against him, but was beyond sea at the time of the exigent awarded, and therefore an outlawry was had, the person outlawed might any time afterwards have returned that outlawry, for that Error is Fact; the person who upon writ was, that person guilty of treason, would fly beyond sea, and thereby all the witnesses against them were dead, and then return into England, reverse that outlawry, and become safe. To remedy that mischief, was the statute of Rebe, &c. which takes away the Error in Treason, and the person outlawed rendered himself to the Court Justice within a year after the outlawry. Wherein which exception was the case of Sir Thomas Armstrong, as the Commons represented, which was the reason of the Resolution: And in other cases the practice since the Resolution has been otherwise; for in the case of Salisbury, who was attainted of Felony for counterfeiting the stamp, a Writ of Error was granted him, though he perished for the same. But if the Resolution is aimed at a Writ of Error to destroy a Habeas Corpus, or a Habeas Corpus, or discharge persons commit-

ted by the House of Commons, the Resolution is very wide from the purpose; for, whether a Writ of Error be a Writ of Right, or a Writ of Grace, in all cases where a Writ of Error does lie, yet their lordships' Resolution cannot be carried so far as to make a Writ of Error lie, in a case where there is no judgment pronounced, as there never was the case of Sir Thomas Corbett, or in any thing relating thereto: for if a Habeas Corpus is denied, or if granted, and the persons thereupon desired to be hailed or discharged, this is no such judgment, but that the issue, or any other court, may grant an Habeas Corpus, and discharge or had the person committed.

Your Majesty added, The Commons hoped it would be no difficulty to convince the Lords, that these Resolutions were both unreasonable and unparliamentary, and they have not been much justified; and certainly it cannot be parliamentary, or reasonable, for the Lords to condemn the Commons in the case of their own privileges, when the Lords are no judges of them: and therefore, though the Commons have now entered into the debate with their lordships, it was never meant to subject their proceedings to the Lords' examination, but only to satisfy the Lords, and all mankind, that the Commons have not done an outrageous thing. That a noble lord said, they did not intend to interrupt the Commons in the determination of their elections. The Commons are beholden to them for that; for otherwise, when they thought so, they might as well meddle with that, as several other things they have of late taken upon them.

The Commons hope their lordships will consider what the constitution is, and think it not reasonable, that any part should exceed its due bounds: but there have been great invasions made upon it by their lordships, and some instances of that kind have been delivered at the last Conference; and it would be easy to shew, that the jurisdiction which of late has been assumed by the Lords, is not consistent with the constitution.

A Writ of Error in this case, the Commons take to be such; and the Commons would be blameable for admitting of it, where no such Writ does lie: and the Commons have done well in advising her Majesty not to grant it, since it is against the law: the Commons find no such Writ ever brought.

It is said their lordships will do right to the Commons upon it, but the Commons can never think it reasonable to trust the liberties of the people of England to their lordships' pleasure, for they that have power to do right, have power to do wrong; and power is so often abused, that the Commons can never suffer the Lords to assume this new power to themselves. Were we certain power could never be abused, an arbitrary, and what is called a paternal power, would be the best in the world, for that, not being tied to any rule, would apply the remedies proportionally; but since that is not to be expected, the Commons were at the

right to stop the writ of Error: they had one thing less brought on another; and therefore, for the future, shall oppose any further progress of the matter.

It was further urged by the Lords, in Reply, that if such a Writ of Error wants a proceeding, it is a new sort of experiment, heretofore unknown.

That the management urged by gentlemen cannot avail.

That if the law be so, nothing but the legislature can alter it.

That it is not, the Lord's cannot judge of the privilege of the House of Commons. They do not say they can; there may be an occasion, but from precedents it appears they have done it by Writ of Error, and at the desire of the Commons.

That not only the Lords, but all mankind will judge of what is not their privilege, if they claim that which another man, not common, nor law will justify.

That if the Commons say, to bring an action at law against persons not privileged is a breach of privilege, all mankind will say it is not.

That this carries upon a Privilege of her own to the Lords, saying truly, they have been imprisoned by the Commons for bringing their action against the members of Aylesbury, and for suing out writs of Habeas Corpus, and are at least delinquent in a Writ of Error.

The question is, is a writ of Habeas Corpus, whether they have a right to bring, their actions at law, if so, it is against to imprison them for doing it;

A hardship to deny them writs of Habeas Corpus, and a gender to imprison those returned and agents for endeavouring to procure those writs liberty.

That their right is settled by a judgment at law, which will ever remain, till altered by the legislature.

That a Declaration of one House, is here House, cannot alter the law.

That the Lords intend not to disturb the Commons in the right of judging, only as to their own members.

That the essential difference is between judging of the right of the electors, and the right of the elected.

And there may be cases, as here, where the election is not in question, and yet the electors receive great damage in being denied the vote.

That the right of freehold is a man's birth-right, and cannot be taken from him but by law.

That if any person be injured by any officer whatsoever, he may, by law, seek for redress: otherwise, there is a right without a remedy, which is a right at will.

In answer to this, your Managers said, This action is of the best impression; and it is a good argument, no such action has, because none was ever brought before, and especially, because occasions cannot be conceived to have been wanting in every new election of electors

here to serve in parliament, very many can justify them in the late Case of Ashby v. White, where the plaintiff was a person so long time chargeable to the parish, and then removed by the order of two justices, who, by the way, brought in more the plaintiff of Ashby and White, from the Rights of the Lords' Claimants, where it is granted every seventh century before, and brought in law had such a true English spirit, as plaintiff, though it would be then was an and formerly had been an order; at least, it seems, that that wanted was a true English spirit, which was rather a lesson.

And it is worthy observation, that in case, the costs and charges incurred by anybody for him, could not be recovered more than the costs and charges he incurred, so that it was a fair victory, and benefit, but a loss to law. A noble lord, as pleased to say further, that though he would not pretend to judge of the Commons' privileges, yet he might of what was not their privilege. That argument appears very strong, since the Commons try the matter as to their privilege; and if the Lords say it is not, is sufficient to disturb them of it, the same method may disturb the Commons of all the rest. The Commons are not going about creating new privileges, but continue the possession of those which their predecessors enjoyed and continued; and which they did neither this or any other future House of Commons, can ever depart from.

The Lords afterwards received from the speaker of the second and last Resolution.

They said, the second, so far as that every one who apprehends himself injured has a right to seek redress, was general, but when followed of an action at law, was confined to the point case.

So the truth, though it was general, was understood in this particular case.

As to what was said, that none but a spirit could one take cognizance of what another did, it was answered, That when the earl of Shaftsbury was committed by the House of Lords to a contempt he was brought by a Writ of Corpus to the Court of King's bench; he was complained of to the House of Lords; they passed it over, being of opinion it might seek for liberty where he would.

The Lords' judgment is too incredible to be inserted.

Your Managers afterwards returned, stated your lordships had used that they began, it would have saved much time, disturbed the debates, for the Commons their privileges secured as the Lords out of Judgment. Your Managers proceeded.

That as nothing offered as the Chief of the last, was meant to submit or leave the privileges of the Commons, much less had anything as the precedents, in the time of Elizabeth and James I. produced at the Conference, any testimony that way.

prejudice for that place) for having, by con-
sensus, clandestinely and unadvisedly for-
sworn him to give his vote at an election. In
this case a verdict was found for him, but
judgment was given against him in your ma-
jesty's court at Queen's Bench, which was ap-
pealed upon a writ *de error brought in per
petuam*—where the learned judges of Common
law, after for the report, and afterwards had
considered upon this judgment.

For the present above-mentioned being the
point of the case brought, and having con-
sidered (as I have said) that the law does them
justice in this case, and seeing that the law
is to speak upon to all Englishmen, did
severally dissent and presently were
against the *Charta*, in order to reverse their
judgment. And as soon, they were con-
sidered the law of the House at Commons, and
assented thereto:—Whereby, the 21st of
December last, during the pleasure of the
House at Commons, as having acted contrary
to the declaration in contempt of the par-
liament, and in breach of the privilege of this
House.

These proceedings are wholly new and un-
precedented. It is the height of every Eng-
lishman's expectation to be assured, that
he will be subject to our majesty's courts of
justice, and a writ can be any power em-
powered to right, and can perceive when he
does, and when he shall not be allowed the
benefit of the law, he comes to be a freeman,
and his liberty and property are preserved.
It comes last, then, to such power, and
we give the law its due, as with authori-
ty with our subjects whatsoever. If a man
murder his wife, or beating himself to have
a good name of war, when he has none, if he
murder his maid, by applying to an incor-
porated jurisdiction, he will fall of itself, and be
made liable to costs, but to no other punish-
ment: first, not guilty of a crime, nor is it a
concept of the court that has the proper
jurisdiction.

But these men were guilty of no mistake.
The point of law was settled by the judgment
of the court, which is allowed to be the last
word, and that will continue to be the law,
and it be allowed by the legislative authority.
They are their neighbors' goods and man-
ner of keep the fruit of the judgment the last
thought, and yet, for parting the statute-
book, they are condemned to no indefinite im-
prisonment, during the pleasure of the House
of Commons: The method of doing is without an
injury and confusion never before known.

England. The most arbitrary governments
not show more their own sense of justice,
and oppression. The point of law is judicially
settled, and yet the House at Commons take
upon them to punish men by imprisonment,
for endeavouring to have the benefit of what
is established for law.

We humbly desire to your majesty that
for this they should in the manner of
contumacy, as in our rights of church and

parsonage, as that these persons were brought
contrary to a declaration of the House of
Commons.

It was never yet heard (where there was a
House of Lords in being, and a long or open
space the House) that the House of Commons
should claim a power, by any declaration or
House, to alter the law, or to declare the people
of England from taking the benefit of it, nor
have their declarations any such authority, as
to oblige them to submit to them at the point of
their liberty. If it is no such power in any
one, this may apply to others in other
places, for when the law is no longer the
same, and the pleasure will be the only rule.

The contrary of our laws is that which
with the chief liberty of Parliament, but
the House of Commons can alter the law by
the Declaration, or (which is the same thing)
can depose men of their liberty if they go
against take the benefit of them, we shall find
an improvement to have at the point of our
jurisdiction.

The next thing objected in the Warrant is,
that the committing and proceeding there-
against was contrary to the jurisdiction of the
House of Commons. Such a petition was
never claimed by the House of Commons, and
speaking against, and it is the words of a
jurisdiction be founded on their own authority
of declaring, they will stand and fall together.

The House of Commons have for a long time
exercised a jurisdiction over their own members
by allowing or disallowing their elections, as
they may cause, but they have never before
exercised a sentence, that they had a jurisdic-
tion over their elections, to determine finally
and exclusively of all other courts the particu-
lar rights of those to whom they owe their
living.

Your majesty's royal writ commands, that
the several electors make choice of persons to
represent them in parliament, in order to do
and consent to such things as should be or-
dained there, relating to the state and defence
of the kingdom and the church, for which the
parliament is called: and they obey the com-
mand, in proceeding to choose members for the
parliament then summoned, but under the
act which requires them to choose, nor the
statute by which the return is made, import
any thing, whereby it may be inferred, that the
electors put into the power of their representa-
tives, over several rights of election, to be
finally disposed of at their pleasure.

It was an interest vested in them by law
before the election, and which the law will
preserve to them, to be exercised again in the
like manner, when your majesty shall be pleased
to call another parliament.

It was not possible for the electors to suspect
that such a petition would ever be set up by
their representatives, when, in the exercise of
so many ages the House of Commons had
never taken upon them to try or determine
the right of any particular elector, not inter-
fering, and only offering to decide upon such

of the title of next member of their own House to sit amongst them.

The right of election is a legal interest incident to the freehold, or founded upon custom, or the letters patents of royal or justiciary's warrant, or upon particular acts of parliament, and must be used and determined like other legal interests. And the consideration is dominantly that the standing of parliament, that shall rather not be divided by the House of Commons, where there is another power of admission on oath, in order to discover the truth, and a power of giving damages, which is the consequence the clerks are capable of serving in such a case. Therefore, if the clerks, when they are deprived of their rights, have no place to resort to, but the House of Commons, the right of election would be a right without remedy, which would be no right at all.

And it is put in the power of the officers who have the return of writs, to serve as parliament, to reject the votes of as many electors as they please, without being held to make any return at all as to the parties, which is a power not very likely to preserve the freedom and impartiality of elections.

The third thing objected is, that even in the manner of elections, it is wronging those persons they have chosen the privilege of the House of Commons. A breach of the privileges of parliament is certainly a great offence, and of all others, the House of Lords ought to be the last who should go about to lessen or impair it, as having a like interest with the Commons in the preservation of the privilege of parliament.

But however it might seem the interest of the Lords to be silent, while the House of Commons was voting a law for protection of persons, because they are shown to be mistaken, yet it should not seem that will answer, because if it is so important the consideration is not, and not to sit quiet when we see our own interest, but when moved by the consideration of the right of the crown, and the preservation of the law, this is the best and most proper way of preserving the rightful prerogative of parliament, which shall be done, that the parliament be known, and to sit in the presence of justice, and not to be put in the power of either, or both Houses, to create new privileges to themselves.

It never was thought a breach of the privileges of parliament, to prosecute an action against any one, who was not created by authority of parliament, and therefore even the commons of Salisbury had no privilege of parliament, at the time when these actions were commenced or prosecuted, we cannot imagine, upon what foundation the persons whose actions can be tried a breach of privilege by the House of Commons.

It seems very necessary it should be known upon what rule the privilege is grounded, that the people of England may be at a certainty, and see some limits set to the claims of privilege. To show the force of this I have said,

there are privileged cases, as well as privileged persons; but no remedy, but how whereby this distinction can be applied to all these circumstances.

Actions at common-law have been brought upon like reasons and double reasons of law to move in parliament, as in the case of Samuel Burroughes and My Lord, which proceeded to Judgment, and a writ of Habeas Corpus was granted in favor of them, and a plaintiff could not plead in relief of them, and yet it was never pretended that concerning or concerning these actions, breach of privilege of parliament, nor the privilege, grounded on these supposed grounds, though there was a much greater loss for action pretence in these cases, being the grant on them directly was great, the loss of sitting in parliament, and damages there could have been indeed produced, if any such claim could have been made off in these days. Whereas in the case brought by them for more, making the plaintiff nor defendant were maintainers of parliament, nor did the actions relate in any manner to the right of sitting there.

The opinions of the House of Commons, at that time, was very different from what it is now.

When the Judgment of the King's Bench (where Mr. Matthew Hale sat then Chief Justice) which passed in favor of Mr. Burroughes, that the action was not maintainable, was removed in the Exchequer-Chamber, the House of Commons was petitioned to sit in aid for their advantage, to have their right deprived of the benefit of the common law, that in the next thing, a committee was appointed to inquire into how the petitioners Judgment, and by whose petitioners, as a petition, and by what means, and how much was a petition, and the petition of Mr. Burroughes, that petitioners in the Exchequer-Chamber was denied to sit in aid, the House of Commons never thought it was so against the duty toward the king, who is to take the oath, and make laws, when he is elected, but yet an act of parliament, and that act of the House long, which put remedy in Westminster-hall for the king and the commons, so long as it was and was not, that was made, with the parliament House of Commons, and the commons, and the commons, which was then very much, and the commons should never have recourse to a grant, but that it was a petition, that petitioners, as a petition, as each petition, to dispute their action of several damages, when they are engaged in the process of giving votes, and they thought it contrary for themselves to have their advantage when they are engaged in their own election.

The witnesses of these petitions are not entered here, and the rights of the commons of England have received a great deal of his disposition moved, in their petition.

That five were having ordered a long and chargeable imprisonment, and depriving of their liberty any other way, were ordered to return *Writs of Habeas Corpus*, returnable at your majesty's Court at Queen's-Bench, having to show their discharge by the help of their court, where the *Judgment* ought to be given according to the law of the land, without regard to any *Writs*, or *Declarations*, or commands to the contrary: But this order was partly unconstitutional, and they were remanded to *Windsor*: since the judges of that court, contrary to the opinion of the Lord Chief Justice Hale.

We shall not pretend to offer any opinion in this matter, upon occasion of this Judgment, or present, because it is not exactly brought before the House, and we only wish to it here are the House of Commons took no notice at the bringing these *Writs of Habeas Corpus*, that, on the 24th of February last, they voted, that whenever had elected, purchased, or otherwise, or awarded the privilege of these writs, were disturbers of the peace of the Kingdom, and had endeavoured, made, or in those days, to overthrow the rights and privileges of the Commons in parliament.

There is here plenty, and if it be so criminal a thing for a person to pay a *Habeas Corpus*, it does not only affect those who are so paid, but, next, but ought to touch every Court in England, in this most sensible manner.

Liberty of person is, of all rights, the most valuable, and of which, if a civil other things, the law of England is most tender, and has guarded with the greatest care, having provided writs of *Habeas Corpus*, for the relief of men repressed of their liberty, upon any pretence, or by any power whatsoever; that so in every case the law may have place to extend to, and no person may be taken of the reason, and course of the imprisonment, and the subject may find a proper relief according to his law.

We come whatever is done put on English law, and is so sensible a condition, that he may be taken out, in the natural law, to show his liberty: that he may not, by his friends or agents, use out a *Habeas Corpus*, and have the advantage of advantage and remedy, to plead his case before the court where he is to be brought.

The Court is bound by the law to assign him writs, if there be occasion, and to give Judgment upon his case: as it would upon the return of the *Habeas Corpus*, and have the advantage of assigning and counsel to plead his case before the court where he is to be brought.

The Court is bound by the law to assign him writs, if there be occasion, and to give Judgment upon his case, as it would upon the return of the *Habeas Corpus*, and to be and, without, or had a present, as the cause of imprisonment appears, there sufficient or insufficient in law; and if a law is judged in the cause of imprisonment appears to be so criminal

in law, it is a crime contrary of those who make the commandment, that can excuse that court for remanding the prisoner.

This is the law of England. But, according to these *Writs*, has an of the House of Commons, if a man has the advantage (though through ignorance or mistake) to do so, and which shall be taken a breach of it; and so, he becomes in a worse condition than any other or contrary, his imprisonment is not imposed by the law, as punishment to a man and prisoner a *Habeas Corpus*, and, if any have charity enough to assist him, or to plead for him, in order to show to the Court the weakness of the commandment in matter of law, they become liable to lose their constitution, and are involved in the same guilt of breach of privilege; So that let me improvement by upon the most trifling manner imaginable, if it be by order of the House of Commons, every Commons must submit to it without reason, as friends can help them, no other authority can assist or them, till your majesty shall put an end to that reason.

The Lords have as yet a concern as the House of Commons can have, to maintain the subjects, and keep up the awe of parliamentary countenance. And they will always do it, in for us justice and the usage of parliament will allow.

There have been cases, particularly that of the *case of Shipwreck*, where persons committed by the House of Lords, even members of that House, have used writs of *Habeas Corpus*, and upon the return of these writs, have been brought before the court of King's Bench, and their counsel have been heard on their behalf; and yet no concern is or passed upon them for these endeavours to obtain their liberty, or upon their agents, relations, or counsel.

The House of Commons formerly used writs more severe upon persons as prisoners, as the liberty of the subject; for in the year 1680, when a writ of *Habeas Corpus* was given upon the request of some attending the House of Commons, in the behalf of Mr. *Wentworth*, who stood arrested by order of that House; after the House was made apprehensive that such a writ was used upon their officers, and had entered into very long debates upon the matter, they did not think fit to interpret the party any concern upon the person concerned in procuring the writ, or in appearing in behalf of the prisoner; but left the request at arms at liberty to show the command of the *Habeas Corpus*; which he did accordingly, by carrying his prisoner before a judge, where the *Habeas Corpus* was returnable.

The House of Commons have, in former ages, shown a great and steady concern for the freedom of the persons of their fellow subjects; and upon these persons were modified laws have been made, to protect liberty against all unlawful encroachments by any authority, even that of the crown. But now it is stated that their own imprisonments are out of the reach of those laws, and their liberty not to be extended.

In the 3d year of the reign of your royal grandfather, the House of Commons made a resolve passed for the English liberties, and shew'd, by undoubted evidence, that the causes of the imprisonment must be expressed in all cases, that so it might appear, upon the return of the Habeas Corpus, whether they were sufficient in point of law.

It could not then have been imagined, that the resolution of those men would ever have pretended to an arbitrary and unlimited power of depriving their fellow subjects of their liberties, or to take it to be criminal so much as to enquire into the validity of their commitment.

There is another reason of silence, which the House of Commons have taken against John Pacy and John Onst, two of those prisoners, who thinking themselves wrong'd as their being committed to Newgate, by the opinion of the major number of the judges of the court of Queen's Bench, humbly petitioned your majesty for a Writ of Error, in order to bring this judgment before your majesty in parliament, and it is certain the subject is never concluded by any judgment, till he comes to the last resort laid by the law in this case.

The House of Commons being informed of these petitions, came to a Resolution, which they had before your majesty, that the commitments of that House were not reasonable in any other courts whatsoever, that no Writ of Error lay in this case, and that as they had entrusted their duty to your majesty in giving dispatch to the supplies, so they had an entire confidence in your majesty, that you would not give leave for the bringing any Writ of Error.

This first position in this vote is very general, and the consequences of it are plain, if the commitments of the House of Commons are reasonable in no other place, then in none in England, how insolent soever, is secure of his liberty longer than the House of Commons please, and none may be allowed at least to wish that it were not so, though they may have a very high opinion of the justice of that House.

It has been held as an undoubted maxim, that whoever executes an illegal command, to the prejudice of his fellow subjects, must be answerable for it to the party griev'd.

Let it be supposed then, that an action of false imprisonment was brought against the members of the House of Commons, and that the defendant justifies his taking the plaintiff into custody, by virtue of a warrant of that House, and it appears upon the face of the warrant, that the cause of the commitment was no crime in law, and the plaintiff demands, what must the judges do in such a case? Will it be possible for them to avoid drawing into the commitment and to give judgment one way or other? Or can it be pretended, that a Writ of Error may not be brought upon such a judgment? And is not the Court, before which the Writ of Error is brought, under a necessity to do justice thereupon, as the law requires?

As is the second thing they have taken upon them to advise, that no Writ of Error lies in

the case, we submit to your majesty with great assurance, that, by our constitution, the House of Commons have no right or privilege to determine whether that be so or not, the right of judgment when a Writ of Error is properly brought, is by law entrusted to this Court, which the Writ of Error directed, and thus far we shall not at present say any thing your majesty, as an extraordinary step, and to that the proper time as to that point, when a Writ of Error brought upon a judgment is remaining pendente upon a Habeas Corpus, can be considered.

Which way that question will be decided hereafter, when the Writs of Error are returned into the parliament, is not at all material, respect to the petition of the prisoners who are before your majesty. For, unless your majesty be pleas'd to grant the Writ of Error according to their prayer, the matter cannot come to the proper decision in parliament, justice will be manifestly obstructed.

Whether the Writs of Error ought to be granted, and what ought to be done upon Writs of Error afterwards, are very different things. The only matter under your majesty consideration is, whether, in right and justice, the petitioners are not entitled to have Writs of Error granted.

We are sure, the House of Commons, in the year 1689, were of opinion, that a Writ of Error, even in cases of felony and treason, is the right of the subject, and ought to be granted at his desire, and is not an act of grace or favour, which may be denied or granted at pleasure. So that as far as the opinion of the House of Commons ought to have weight in such a question, (whatever the present opinion of the House is) they then thought a Writ of Error was the right of the subject in most cases (where only it had been at any time doubtful).

But that it is a Writ of Right in all cases, has been affirmed in the last books, is settled by the constant practice, and is the opinion of all your present judges, except Mr. Justice Prynne, and Mr. Justice Smith.

The law, for the better protection of property and liberty, has forc'd a revolution of Courts that men may not be finally confined in the first instance: But then is a vain institution, if they be left without the method of coming to the superior Court.

All suits are begun, as well as carried on, by the authority of your majesty's Writ, and the subject has a like legal claim to all of them.

The petition for a Writ of Error presented in parliament, is only a matter for him to import to your majesty, (like the petition which the Speaker makes in the name of the Commons, at the beginning of every parliament) those privileges which they do not believe depend upon the answer to their petition, and so no more to be refused than any Writ throughout the course.

To affirm the contrary, is to allow every body latitude to intercept justice, and to

is depend upon private interests, and extensive determinations, whether any cause be fit to be brought to judgment before the high court of parliament.

These then, being considered, how extremely surprising it was Address from such a body as the House of Commons, that your majesty would see it, leave for such a Week?

And how surprising, is what they acknowledge, as the reason of their confidence in your majesty, that you would hearken to such an Address, that they have given dispatch to the supplies; they proceeded early in the matter in the supplies, with a soldier's care, for the safety of your majesty's crown and person, and for the recovering the Kingdom from the appearance of French power, employed to us an equal Proceeder upon your majesty's threat.

There are good reasons for depending of the people's money. Their Masters, and all that is valuable to them, depend entirely upon the good success of the war; and they have used, and will use, to part freely with their money, for the defence of their liberties and properties, and the obtaining of peace and tranquillity.

But this is the first time a House of Commons have made use of their having given the people's money, as an argument why the people should deny Writs of Right to the subjects, obstruct the course of justice, and deny them at their birth-right.

On the 10th of February, the House of Commons proceeded to carry on their resolutions to greater extremities, and voted, that the gentlemen who gave no counsel for the last 2 years, upon the returns of the Writs of Habeas Corpus, and the appeals and petitions, who caused them, were guilty of a breach of privilege, and ordered them to be taken into custody, which order has been executed.

It seems to be to great an extent, that to lead to find words proper for expressing it. When Churchill committed Mr. Napier to the Tower, for removing one Curry in his apparel, upon a Habeas Corpus, a celebrated author expresses the detraction due to such a conduct thus: "It was the highest act of infamy that ever was done in England." Then, stating up the list itself done persons, that as soon might have relief from, or removal."

But to bring and impossible to discharge, as long leave to take notice of another more regular (if it be possible) the matter was depending before your majesty, upon the petition for Writs of Error; and the House of Commons had made no other way to, that was would not for the bringing of Writs of Error; or majesty, by using such an answer, to them, "That the matter, relating to course of judicial proceedings, was of highest importance, and therefore it was thought necessary to weigh carefully, and what was, to do," and after they had voted

to take this very Answer of your majesty's consideration. The day following, they ordered the five persons to be removed from Newgate, and taken into the custody of the sergeant at arms attending the House of Commons; and this Order was executed at midnight, with such circumstances of secrecy and terror, as has been seldom exercised towards the greatest offenders.

Your majesty is the only proper judge how highly disrespectful this action is to your royal person and authority. But it concerns us to say, that such a proceeding tends directly to the depriving the parliament of that justice, which they were endeavouring to obtain by means of the Writs of Error.

While your majesty was deliberating how to put an end to a matter, which they had only made difficult by an unreasonable address, the House of Commons rightly apprehended, that justice would prevail with your majesty over all other considerations, and therefore, as far as possible to disengage the prisoners, of the trial they expected from these Writs of Error when granted, they transferred them, to the next time, to another process.

The practice of removing prisoners from one custody to another hath been ever complained of, as manifest oppression, and most evidently destructive of the liberty of the subject. It is a manifest prejudice against in express words, by the act made in the reign of your royal uncle King Charles the second, for the better securing the liberty of the subject; That if any person, being a subject of the realm, shall be committed to any prison, or in custody of any officer whatsoever, for any criminal, or supposed criminal matter, that the person shall not be removed from the said prison or custody, into the custody of any other (unless it be by a Habeas Corpus, or some other legal Writ;) and that upon the great penalties mentioned in that act. The penalties in the act were now, but the law of England was the same before the making it. The shifting of men from one prison to another, while they are staying upon the course of law to recover their liberty, is an insupportable cruelty, and again it the plain rules of natural justice; for by such shifting, imprisonment, however unlawful, might be made perpetual, and the subject, as he was at the point of being discharged from one prison, might be, without real removal to another.

May it please your majesty, your dutiful subjects, the Lords spiritual and temporal, were so sollicitous to avoid any thing, which might give a pretence to interrupt the necessary and early process for the war, in order to improve the wonderful successes God had given to your arms; that though they were outside the improvement of these men, in the manner, and upon the pretences above-mentioned, was a manifest attempt to elude the just course of parliament, and of protection enough, to the liberty and property of the subject, for they were to take notice of it, and they were to a

minutes enforced by Petition from the prisoners presented the 24th of February last, and by the unspeakable proceedings of the House of Commons the same day, which we have already mentioned to your respects.

But that the Lords found it absolutely necessary, in order into a consideration of the whole matter, not supposed to be done, and upon the 25th of February they came to the following Resolutions:

Resolved, "That neither House of parliament have power, by any vote, or declaration, to create to themselves new privileges, not warranted by known law and custom of parliament."

"That every freeman of England who apprehends himself to be injured, has a right to seek redress by action at law, and that the commencing, and prosecuting an action at the common law, against any person, who is not entitled to privilege of parliament, is no breach of the privilege of parliament."

"That the House of Commons, in committing to the prison of Newgate, John Paty, John Otter, John Paine, Henry Basse, and Daniel Hoar, for commencing and prosecuting actions at the common law, against the late constables of Aylesbury, for not allowing them to vote in the election of members to serve in parliament, upon petition, that there is doing was contrary to a declaration, a contempt of the jurisdiction, and a breach of the privilege of that House, have assumed to themselves what a legislative power, by pretending to annul the force of a law to their declaration, have claimed a jurisdiction not warranted by the constitution, and have assumed a new privilege, to which they can show no title by the law and custom of parliament, and have thereby, as far as in them lies, subjected the rights of Englishmen, and the freedom of their persons, to the arbitrary will of the House of Commons."

"That every Englishman who is imprisoned by any authority whatsoever, has an undoubted right, by his agents or friends, to apply for, and obtain a Writ of Habeas Corpus, in order to procure his liberty by due course of law."

"That for the House of Commons to sentence or punish any person, for committing a person to procure a Writ of Habeas Corpus, or by vote or otherwise, to detain him from obtaining, procuring, or pleading upon such Writ of Habeas Corpus, in behalf of such person, is an attempt of dangerous consequence, a breach of the many great statutes provided for the liberty of the subject, and of pernicious example, by denying the necessary assistance in the process upon a commitment of the House of Commons, which has ever been allowed upon all commitments, to any authority whatsoever."

"That a Writ of Error is not a Writ of grace, but of right, and ought not to be denied to the subject, when duly applied for, (though in the request of either House of parliament) the denial thereof being an obstruction of justice, contrary to Magna Charta."

These Resolutions were followed in the Com-

mons at a Conference, the 26th of February, and they took time to consider of them the 27th of February; upon which day, at three o'clock, a second Conference was had, and though it was too apparent by what was delivered by the Commons at that Conference (which consisted of important resolutions against the House of Lords, and by some resolutions of great consequence applicable to the present subject of dispute) that their design was either to provide a Lords in such a degree, as might necessitate us to break off all correspondence, or by means thereof to renew matters, to draw things to such length, as might prevent the bringing down business to any issue during the session. Yet the Lords immediately desired a Free Conference, which was afterwards had with the Commons.

The use as discourse that your majesty then he made fully acquainted with all the points relating to that dispute between the two Houses, did not humbly beg leave to annex to them. Representations, what passed at the last adjourned Conference; and also (as far as we have been capable of recollecting) as we do it, and the substance of what was said at the Free Conference, and in our debates, in discussion of the Resolutions of the House of Lords.

But we take it to be a duty necessarily incumbent on us, to observe to your majesty, the manner in which we have been treated by the House of Commons, at these Conferences, so that from those your majesty, according your great wisdom, may judge in which proceedings we naturally tend. They told that the jurisdiction of the House of Lords is unconstitutional in its foundation, and inconsistent with the constitution, if they were in so anxious, that no account can be given its foundation, it is true, but there is more to believe it began with the monarchy, when we were it has continued without interruption during that unhappy interval, the pretended House of Commons destroyed the Church and the Monarchy, as well as the House of Lords; so many ages as the constitution of the English government has changed, we are has continued with it, and a noble and necessary part of it, and the these gentlemen will hardly be believed in long an experience, that it is consistent with the constitution.

They also charged the Lords with meddling with hearing appeals, and advancing upon the constitution, with intent to bring bloods and property into the loss and miserable gulf of the Lords; and with direct opposition, as to the manner in which that jurisdiction has been used in the most unbecoming way they forbore to mention the instance, they hoped we would return.

—We desire no other judge but your majesty such a treatment of us towards themselves; and we dare appeal to all eyes, for witnesses of the unparliamentary and unbecoming nature in the Lords.

[illegible]

In this regard the sentence for thirteen years, although somewhat leniently, falling within a category of sentences given the common and representative nature of the crime of collaborating against the Republic and the Republic. For the crime of collaboration in a severe criminal manner, crimes are also, such as incitements for the war, for collaboration of the kind he never committed. This sentence was well known, and that of the court was the only one for the crime, such as the death of November last, a crime committed by the crime of the House of Commons, the death of the judge of the court.

the authors of the various laws formerly
enacted, and, on the other, against those who
in the meantime have been elected in the North
to the same office, that they have published
the laws of the State, that were the predecessors of ours.

So, even if we could count upon the
 ... to enable us to handle with the choice
 the ... a presentation, we will only
 ... of ... at α_0 and in what man-
 ... there, ... especially and
 ... the ... to be superior to
 parts of the ... and we must
 ... the people will be interested.

deceased their estates and properties should be subject to such de assessments.

It is not strange the Free Conference ended without us, for, after such a session, even to sit with such a company, as appears by the votes of the table of March, made after they themselves had consented to the Free Conference. If there is any, but have published some, it would have fully answered the Lord, how vain is there a view to enter with them, to that, upon the matters in debate at the General Conference, to, not content with what they had done, but, upon some as to what they have and have agreed with the Acts of the General Conference, between the Lord and the Acts of the General Conference, and Mr. Stevens, one of the gentlemen who had been in contact with the Free Conference, they came to a resolution, that no conference, connected by them for breach of faith, or contempt of the House, ought to be, for the Acts of the General Conference, made to appear before any other conference, and request these gentlemen to make no return, or hold any objection to these Acts, and that for each refused to have the protection of the General Conference.

It has been always held the mechanic of process governs the course, to have an opinion of the reason why any order is disapproved or affirmed, and it has been held that such an act, by the business community, is not the act of any subject under restraint, upon demand, to have his rights of life, or to enjoy, and therefore is not brought before any proper court, it is only for examination, whether he be detained for a lawful cause, and the statute made in that case at your recent graduation and your royal order, have seemed, that in all cases, those of Illinois, Georgia, be granted and obeyed, by the respective officers, as an exact obedience.

But these Votes support a direct repeal of those laws, as in all persons controlled by the House of Commons.

It is no longer worth fighting, whether a person committed by them, though for a law which appears to be both lawful and necessary, may be delivered by any means; for by this law he shall never be brought thither, and the Sergeant is not only warranted, but commanded openly to execute your majesty's royal Writ of Habeas Corpus, brought upon the act of 34 Charles 2, which is an extension of your prerogative, never before used at this Kingdom.

Your majestic does not claim an authority to prevent any of your officers for disobeying a Lawful law. The Roberts Copeys act, is more of a violent and visible danger, was in the least respect suspended by acts of parliament for some short time, and yet he asserted that law holds; that those acts passed with great deliberation, and one of the arguments that prevailed was for agreeing to that temporary suspension so that it would be an unreasonable violation to all future laws, that this act could never be repeated afterwards, by any law makers than that of the whole legislature. But we live

poems should be bound in the heads off coats of arms; and therefore a bill was brought in, and passed on the 2d of February, for qualification of persons of the press; but the same being sent up to the Lords, they did not think fit to give it their assent.

The Parliament dissolved [April 3. The parliament, according to the usual act, being now expired, a proclamation was issued out for dissolving it, and, on the 23d, another was published for calling a new parliament.]

The dissolution of the Parliament on the which occasion a general ferment, both parties studied how to dispose the minds of the people in the new election, with great industry and care.

Proclamation of the Church [Before the great war at Cambridge,] continues Sir Lambart, "the church at last in all the age of Dr. Dowd's which had more than long since Dr. Hall was appointed to it, in the room of Dr. Watson, deprived the University of Hall

"Dr. Watson's what was chosen the last session in the House of Lords, which the queen came in two in person. His business had been kept long on foot in the courts below, by all the methods at law, that lawyers could invent. After five years, leaving the concluding judgment yet given in the Exchequer, that he had a right to the temporal dignity of that bishopric, and that being affirmed in the High Court of Chancery, was now by a Writ of Error brought before the Lords in the last resort. But as the House seemed now to be set, he had no time to bring to a final decision; so he delayed the suggesting the errors of the petition, all the days were spent, in which, according to a standing order, every ought to be answered upon a Writ of Error, in debate of which the record was to be sent back. He refused the case to be kept, though a considerable sum was offered to be given him, on the first day, in which, according to the standing order, he might have suggested his errors: and the House sat that day some hours in purpose waiting for it. Some weeks after that, when the matter was to be set on end, that he thought his cause could not be heard during the session, and so went to court have been put in another session, he petitioned for leave to suggest his errors: that was one of the most adverse orders, that related to the petitioners of the Lords, and had been the most commonly used to it: it was not therefore thought reasonable to break down, it is, in danger of having a man, of whom they were all admired, if parties could have any share. He had attended, in every step, he had said, to seek out all possible ways, for keeping the record, which by means of a bad bishop, and some mistakes, was fallen into some disorder. But, after all that, he had still for his the benefit of a Writ of Error, which he might have any subsequent means of perjury. For which reason the judges resolved to fill the day.

had with the most learned members the produced, at the instance of the church, concerning the Treaty. The had been so well received all happy, as in an assembly general of the clergy of the bishop of Meaux was chosen to write to a correspondent he had in London, that had such a sense of the service he had done their commonwealth, that upon it they were their particular thanks; I read the letter, Barrow, read so I can deliver it for a man, that, how it might be used it was not to the queen had, a little before that, given Dr. Beveridge to the use of St. Asaph, who showed himself very learned in the ecclesiastical knowledge. They were both great devout men, but were now declining, both then being old, and not like to hold out more after that, the use of Lincoln was vacant by that bishop's death, and Dr. B. (now bishop of Exeter) was promoted to it. He was a man extremely honest, excellent writer, a good preacher, and who in short all, a man of an exemplary life.

Disfranchisement and Promotions in the State [There was no small contribution to the high party, that the duke of Buckingham was promoted, and the party that was to the duke of Newcastle, whose interest was great in the village. About the same time, the earl of Peterborough and a lord Chichester were of the party counsel. The lord C. was appointed to command the army, Ireland under the title of General; his serving promotion was, in reality, a high dignity, for his lordship would have been charged the command for an expedition either abroad. The earl of Chichester was a duke of Newcastle, and the duke of Newcastle.]

Progress of the Election [The dissenters the members of the House of Commons managed with great and industry on both sides. The Clergy took great pains to persuade the people frequent apprehensions of the danger the church was in. The Lascars were flattered with this, and took all possible care to spread it over the nation with much success. The danger of the Church of England grew to be the word on every side. The dissenters were as they could, and carried this higher than the dissenters, that they had made a schism in the church, even the papers, both at home and abroad, seemed to be filled with the least danger of our church put them under, this was supported by the Parliament, that at that the party dissenters advanced more and deeper over the rest of great interest, to persuade all people of apprehensions that the church was to be up, that the dissenters were, however, that the dissenters would sell it to the dissenters, that the dissenters in the Court of England, pressed by some dissenters, was private and spread abroad.

and, "unhappily situated and distressed" by it, that the campaign, growing

the party let was composed by the simplicity, and others, and finally, the consideration of all true lovers of the constitution. It was the purpose, "Those that looked deeper into the state of things, were in general, of opinion, that the church of England was in a deplorable condition. Its discipline was in a very good state, and its government, if the queen would promise a moderate and prosperous. But, for all this, the progress of her reaction, there was a feeling in the very bowels of it, which would surely, will select all the members, and a long delay the very long.

The church is a long time abandoned to the state, in the preceding century, was concerned both church and state, through its own negligence and confusion, through its own negligence, neglected there than before, to the establishment of them. The state of these men, and others, many of them, the principles of their fathers. It would therefore be no very uncharitable supposition, to be a very other argument, to imagine that some of their deepest lies, for a way to drive state, that such principles had generally in such danger, and that in some is a truth evidence one, without having favoured through of the other. Nor can we then, but, if any man is persuaded (as is said) that the church of England is an abomination, his conscience will surely suggest to him, that he ought to do his utmost to purge the land from such abominations, and upon this principle has the church been already subjected, though saved again by God as a merciful owner. In this time through reformation, and and back, was the cry of all the people, the nobility of the party. It, since the church is now in such a state of confusion, they have been mistaken, and in appearance more so, than now, that they are better than they are. But that, according to the "concept of the state, they have diminished that situation better. But some great attempts have, and the whole course of their proceedings is broken during these two last years, especially those in which prominent we might expect, if they had the power. But the church, though they may have the will, have not the power alone to endanger the church. The dissenters are not yet considerable enough for these numbers (however they have of their wealth, or industry, to bring about great change in the government of the church. And as church is in this state, they have, but through the treasury, or through the state of the church, and others, the present is to be such, and, as such, will themselves completely upon their dignity and such to the preparatory damage of both

low progress, than had been expected, might put the entire man all business, which

The sudden death of the late king disappointed, mortified, and humbled the dissenters and their adherents, the Whigs, so extremely, that they were ready to have thrown a blank to the church, and would have taken general redress, with an exclusion from all public trust and office. They, who not a month before, boasted nothing but defiance, and insisted with the most scandalous malignancy and violent calumnies, were in an instant given the most distant subjects, the most obnoxious to the state, and the most profligate, mock, and contemptuous people in the universe. They preached nothing but charity, peace, and love, expressions of respect, abhorrence of wrong, and the utter abolition and extinction of parties and factions for ever. "So very good and generous can men in fear be!" But whence this kindness and degradation of mind, the weakness of temper? Was a natural, or the result of more extraordinary grace, or more Christian principles than other men were possessed of? No, but they had just before exposed and advanced the pride and church of England in so insolent and outrageous a manner, upon pretences, that double schemes were upon the mind in their favour, that their own consciences, upon the remembrance of the, prompted them to seek pardon and grace, from those whom they had so abused, by an extraordinary influence. But when, one day in these days, that I and the head of the church, and, after her example, the members of it too inclined not only to forgive, but to forget past injuries, and that, instead of punishment, they set it out with as much as possible to approve, but comfortable spirit and kind assurance from the queen herself, and good counsels from some of her prime ministers, their spirits were raised to an extent, the spirit of humility and penitence vanished; their former insolence and presumption returned upon them in full force; and they began to challenge and provide the church as before as ever. Thus for the history of their carriage towards the church is public and secret, as likewise is a testimony, that have been made in their favour, and the requests, which the church has made with. Every thing has passed in Scotland: the state of the people, even in the civil regard the church and assembly of England, and the discipline of the church, and the immediate protection of its sovereignty, but as the country, nothing for the interest of the church here, which can not only have itself make a more branch of the civil constitution, but the prop and support of the whole frame of government, which remained, as must necessarily fall on the ground, as has been ever fully experienced. All attempts to settle it on a perpetual foundation have been opposed and rendered ineffectual by ministers, who were their present masters in its protection; and who with a pertinacious obduracy

[illegible]

The Queen's Speech on opening the Session. After which, her majesty made the following Speech to both Houses.

"My Lords and Gentlemen;

"I have been very desirous to meet you as early as I thought you might be expected; but without inconvenience to yourselves. And it is now enough necessary, I suppose, to make an appearance on the opening of the parliament, because when ground for us is concluded, you are all concerned for the interests of your country; the justness, in which we are engaged, and therefore necessarily sensible, that it is of the greatest importance that signs be made in our posture towards—Nothing, surely, more certain than that if the French king came to a treaty of the present manner, the balance of the power in Europe is entirely destroyed, and he will be able to do more than to subject the trade and the wealth of the world.—No good Englishman could at any time be content to sit still, and expose to so much a prospect, and at the same time to lose great grounds, to hope, that by the blessing of God upon our arms, and those of our allies, speedful assistance is had for restoring the monarchy of Spain to the House of Austria, the consequences of which which will not only be safe and advantageous, but just—out for England—I may add, we have learned by our own experience, that no peace with France will last longer, than the first opportunity of their dividing the allies, and of attacking some of them with advantage.—All our affairs most needs be so sensible than the true state of the case, that I make no doubt but ministers will soon be so concerned, as that, if we be not wanting to ourselves, we shall see the next campaign begin obviously on all sides against our interests, in a most vigorous manner.—I must therefore desire you, gentlemen of the House of Commons, to grant me the supplies, which will be requisite for carrying on the next year's service both by sea and land; and, at the same time, to consider, that the giving all possible dispatch, will make the supply much more effectual.—The French and conduct, which the duke of Savoy has shown against Austria's interests, is beyond example. I have not been waiting so long as I thought possible for me in order to be here supported.—I ought to take notice to you, that the king of France's troops have been very useful to this end. Your apprehensions of that country last season, and the encouragement you gave upon it, leave not a shadow of being able to answer it for another year.—I take this occasion to assure you, that not only whatever shall be granted by parliament for bearing the charge of the war, shall be laid out for that purpose with the greatest frugality and management; but that I will contribute in all, or of my own revenue, all I can reasonably spare, towards the necessary charge for the honour of the government.

"My Lords and Gentlemen, My answer of last year passed the last winter, I was enabled to approve establishments for this year,

and to treat with commissioners to be appointed by authority of parliament in Scotland, preserving a nearer and more complete Union between the two kingdoms, so that if an act should be made there for that purpose, I think it proper for me to signify, that such an act is passed there, and I have been so far from being desirous to have it made, that I have made it an order to put the House in which I largely desire my private satisfaction. I have I am persuaded, that our Union with our kingdoms will not only preserve us from an invasion, which they otherwise might have rendered to the prince and king, of both nations; and therefore I hope that here is my satisfaction in bringing the present to a good conclusion.—There is more I say I think myself obliged to signify to you in the most secret and affectionate manner, I mean an Union of minds with respect amongst ourselves. It is a thing, which, above all things, disunions and divides the hopes and desires of our country.—I do not, but with great pleasure, there are amongst us, who endeavour to dissension; but I persuade myself, they will be found to be very few, when you appear. We are in dissension amongst and dissension amongst ourselves.—I mention this with a little severity, because there have not been some some so very numerous, as even in your support the Church of England, as by law established, to be in danger of this time.—Desiring to hope, that one of my subjects so truly sincere a doubt of my affectionate Church, or so much as suspect, that it will be my chief care to support it, and best secure after me; and therefore we are a nation, that they, who go about to move things of this nature, must be wise and wicked men's enemies, and can only merit more danger, which they dare not promise, by endeavouring to distract us with reasonable and groundless doubts and jealousies.—I must be so plain, as to tell you how much we are all gone at present, and need for the preservation of the church, with you heartily in prosecuting the war against every, who is certainly engaged to support our religion, as well as to reduce the kingdom to slavery.—I am fully resolved by all my assistance to do my part. I will always be ready to support and countenance the Church of England as by law established.—I will steadily maintain the Test-act. I will all I can to prevent with my subjects the seeds their divisions, and will study to keep them all safe and easy. I will endeavour to promote religion and virtue amongst them, to encourage trade, and every thing may make them a flourishing and happy people. And they, who shall oppose with me in carrying on these and shall be one of my enemies and foes.

The Lords deliver theirs. [The Lords attended the queen with the Address.

poor is the alien. Thus 48,000*l.* he has spent, for bounty-money to the army that saved Germany, 7,000*l.* to make good the ruined fringes of Hanover and Silesia, and 1,000*l.* for Lavoisier to extract ten thousand pounds."

Debate in the House of Lords, concerning the late Accuser. [Nov. 15] The House of Lords having laid upon this day its consideration of the case of the Nation,

Lord Mansfield* opened the debate in these words:

"My Lords, It may perhaps be expected were I moved to you the State of the Nation, that I should say something to you upon this occasion; and though I never laboured under more difficulties than I do at present, yet has my conscience in reply to a heart full of loyalty and duty to her country, and to the public service, as far as possible for any subject to have, and knowing that the best way of preserving liberty as much as possible, is to make us all I will mention those or her general hints to your lordships, and speak to them with as much diffidence and pleasure."

"The first thing I shall speak to is, the present situation in which we are engaged."

"This last winter Robert of the mountain (Paine), has without thinking him of consequence enough to show his dissimulation, is little known. Being of a republican family, which recommended him to the earl of Arlington, he passed at his invitation, he married the daughter of that earl, who recommended him to a good grace at Charles the second. His lordship was a humanist, and offered him the readership of the council, which he declined, his principles being in part of a more violent nature than those of his father-in-law. The young baronet was active against the government in every form, the Papist religion, and used the power of George, by whom he was appointed baronet and lord of the admiralty. He visited the Tory House of Commons, who opposed the Whig Lords in 1761; and the Tory who was then was eager to remove him from office, being disgusted at his behaviour, and the promotion of the earl of Pembroke, he took an opportunity of opposing every thing that was advanced by the government, and forcing an issue taken of him in the war, he went on with his resentment, and was a great obstacle to the Government. Lord said, which at that time was voted by all who had share of trust. From this time, lordship went entirely to have abandoned his true principles, and to have given himself up to the high church party, though he continued to go in various to meetings. His behaviour excited the change in the cabinet towards the Whigs. I at after ascribed a measure as he had made above of his lordship's degree, the matter will be up to think that the measures of the Whigs were not the one working-stock. Be that as it may, in

And between the best way of judging what we must reasonably expect for the future, is to consider the actions that are passed, for we have to take into consideration past, with part of the operations of the last campaign, which was as much of our saving the French king, and our leaving the French troops afterwards, though that was a very great and brave action, but because there was such a mixture of victory and misfortune; and that this is to be a disappointed peace, I purposely I allow taking land at sea, and so—But there were two other actions which, I think, take in your whole campaign, the march of our army to the Moselle, and the battle of Oudenard, in both which, given me leave to say, first to go to it a bordering, I think we were not used as we ought to have been, and I am surprised that General, with a great deal of conduct, received praise from the enemy's army; nor can it be doubted but might easily have been as if he had pleased, without the least danger from the French, which it had done, by the best account I can give you, and I think I have a very true one; we had been at least 20,000 stronger than the enemy there, this being disappointed of being joined by prince Louis, and of the assistance we expected from him, that great design proved abortive."

1793 we had lord Mansfield opening the debate upon the debt of Manchester, &c. and, in the year 1790, he was one of the lords that attacked the conduct of the admiralty. In 1790, "My lord Mansfield, a great speech-maker and publisher of his speeches," says the daughter of Manchester, "and who was having the mouth of the party in my entire reliance, was most perfectly by the Tories to the queen to acquiesce with the discovery they pretended to have made, of a terrible design formed by the Whigs, to bring me or one of the House of Commons, and to force it upon her whether she would or not." Unluckily this very lord had been that year, who had moved for the progress of the coming on as a thing necessary for the preservation of the Protestant religion. His death took place on the 1st of Nov. 1793.

"Edward Widdow, in a MS. which Mr. Cole had seen, called lord Mansfield an opinion of mean extraction, whose father, calling himself by merchandise, enabled the son to purchase a baronetage. Shortly, in his Memoirs, describes him as a short red-faced man, very eloquent, but very passionate and fiery, a Democrat by principle, and a Jacobin by art. Danton considered his penetration and deep knowledge in the affairs of Europe, and said, 'He was prince of a public and disinterested spirit, and a man the rights of the Church of England, without persecuting the dissenters.' He has about him all the tenderness of good nature, as well as all the violence of fanaticism. He carried himself with moderate conduct and loyalty, and has a quick and great sense of the weakness of mankind." See Park's enlarged edition of lord Orford's Noble Ancestors, vol. 4. p. 33.

after a debate of four hours the question being put, Whether the presents should be

sent for ever to England, or not? The question was put, Whether that question

dispute, for two nights, expiring their quarrel, but could never have imagined the same way, of preferring us to long upon some, and leaving others, who were equally concerned in the same fate, which I almost did, and ever shall think were paid, double he looked upon us unjust, when it was said that's not true, and those others who have it not, the case of the L—— of Newcastle is the business of the Scotch P——. It was my talking from some sense in this state, that I believe was my original sin, which is never to be forgiven, because it will never be forgotten of. But what, though I am an obstinate as to differ in some things from those, who, in my opinion, sometimes differ from themselves, &c. I might, notwithstanding, think as justice and gratitude, have expected better usage, than to be marked and singled out like a blunderer, to be run down the shortest way by such a total unassisted majority? If I have not deserved such a censure, (as by their own acknowledgements I own that I have not) those that write thus better hereafter, may expect, if possible, to be used worse.

The manner as known to account, it is the office shows the man: Let any instance them of any one single act of partiality, oppression, corruption or injustice, during my being in any public station, be charged upon me: I appeal to the witnesses, and every common witness that knew me, whilst I was in the ministry, I made no other advantage by serving any body in the continuance of station; nor was I treated with any respect, though I could not at times without making myself as well as others. Nor did I ever continue any claims for the advantages of the public service whilst out of the ministry, which I forgot when I came out.

Had I ever been suspected for holding intelligence with St. Germain, or the French king; had my name been ever used in any French or Scotch Paper, or mentioned in the confession of any dying man; had I, being an Englishman, advised the queen to give the Act of Security in Scotland, or the resolution of taking back any of the great Scotch Lords whilst they were protesting and solemnly vowing to bring the nation was to lose the two last sessions of the Scotch parliament, or had I, before that, upon the presumptive confidence of my own better judgment, without consulting the matter to any other person, truly advised the passing the Act of Peace and War in Scotland, and endeavoured to shelter myself from that reputation, by persuading the world that others, who have nothing of it, were what I concerned in that advice as myself. These might have been some tolerably grounds to have justified the pamphlet's reflections. But to speak incessantly with duty, obsequious, truth, sense or respect, before such a presence, and not be in the Tower; and if I plot not, that the pamphlet should not be completely shut, may

seem as strange as the ruling as they has, and nothing any other would be to their taste, by starting a party, who at present are so far from having it in their power to stop any body by their interest, that it is laid upon by some as a crime to have the least so much as the least acquaintance with. But this author, who writes for brand, and by defamations, thinks those, I protest, who are known to be under no influence, or corrupt, govern themselves by his late and necessary principles.

It is very wonderful, after all, that a person for serving over the presumptions but a crown should expose a man to all this misery. That a person only for meriting a should be called by the names of Mr. Poles, Speaking Traitor, Graving Saw, &c. Who have read Great Britain's Union, and the History of the Hanover Succession considered, I find that matter was thought on many weeks before the paper called *Mercator's Poem* ever appeared. And though the Hanover very first in calling this a reflection upon, incongruous and inconsistent with the great good; yet, perhaps, the very person would have been so very confident, had he seen in I have) the extract of the presents English state, dated November 3, 1703, in the ending of Chamberlain's letters, in which it thus words, viz. "I am ready and willing to comply with whatever can be desired of me by my friends, in case that the petition shall that it is for the good of the kingdom, viz. our return to England." Sometimes read I do not not, with thank agree. If we only consider what that proposal has produced, I might deserve (as you would think) better language. It had several acts of parliament reflecting the security of the succession (which act) and their objections cured, by which it seems that the succession was put to rest almost general imagined. A bill for settling Princess Sophia, and her issue, and another established a Regency (in case of the queen's death) with down to the House of Commons, which there they framed and sent off. I thought, undoubtedly, a security to the crown. And yet there was not the least apprehension the nation's being so much as touched in parliament, when the proposal went in that not to enter into the consideration for those expedients will be a security, prove, as they are thought, great against the enemies and rise to them, and that cannot deserve to be thus treated.

But I find the arrival of relations that raised some persons again. Some perhaps angry so, have heard it said what it was, there was no great a disturbance at the Buckingham in King James I. his daughter the Spanish Ambassador said he, charged her and charged her with her sale and servant, and would suffer at

part And was owned in the negative :

have his Majesty's son, or a such as come near his person, and without great reason never let it be put and forth, that we are persons now possessed of.

They can not be lost of time, had upon all pretences, or of part as being as let down, and great offices, we make them of the passing now, and a great part of our labour under.

Others do not like it should be read that should have it a danger between a particular and a minister, either the one or the other had for the performance and show them of your constitution, as the part of interest will be loved for your service, and there is need of your service.

But for the author of the History, it is reasonable to think over to have been the nature of the history before, upon upon the part of the person. For if the presumption ought not to be avoided, either (as he says) as the part is more than by law, that would happen, especially, as the King, now not every day in the street, and in his chamber, would soon be reduced to a staring condition.

I should have said no more on this last part, having formerly more than once given myself an account, not only of the nature of the constitution, but of the advantages thereunto would have by the presumption but to the even ending here. Were it not for want of time, and dangerous expressions of the author, it had not been wonder should we have been taken notice of before as in other manner; He says, he would not over the nature of the question from the history of the history. And for four hundred years will not truly understood, but he had not made it like the person of your under the name, in number place (Hist. North 175, p. 100). He says it is not out and will show it to be the corruption of the mind, and the general of the mind has spread it with the people, because it is a great such a great thing, that is to say, have spread into the minds of the people. Fathers have been the fathers of their own children, and we have been the fathers of our own children, and we have been the fathers of our own children, besides what we find among the Turks — And I should not wonder very much more, if we had such authority as my wife, as my people persons.

That such a groundless and edged steel, and published in such a manner, that is to say, I think, can read with our advantage.

The next thing I am charged with, is a beginning the management of the war, resolution, or other respect, and leading the Dutch to the point, as if they had betrayed and abandoned it.

But the very thing matter of fact is enough to show it is a mistake. There were the persons charged (besides the passing the

history, some lords, who were for leading the

From it have the last Campaign nearly the conduct of our general, in That as the Marcell, and that of Overmarch. Had either of which succeeded, it had soon put an end to this shameful war; and that they did not succeed is known to every body. I would then ask, my wife, to whom are their own disappointments to be imputed? The answer to this question, I doubt not, would clear me from all the malicious insinuations of this violent scribbler. Is it possible for any man to imagine the duke of Marlborough would have stretched the grand army some hundred miles, upon a design he knew he was not strong enough to put in execution without the assistance of prince Louis of Baden's army, when he must have depended upon it? I am sure as much that prince is a not fit a command. And if so, where was it, that when the duke of Marlborough had received that prince from the French, he was not passed by him as was expected, he was such a composition. Sure I am, when the French left the country, had taken more our hands, and a free and easy passage upon the French; and for want of which, a very promising design was totally destroyed. And as the Reverend conference) our affairs had a bad aspect at the unhappy battle of the Marcell.

Again, as the business of Overmarch, did not the Dutch depart, more than three days in company with the duke of Marlborough, and in which case did they ever make any exception either of the design. Yet, when it came to be put in execution, when a fair opportunity offered, and victory in a manner courted us, there not being half the danger and difficulty there, as at Blenheim, could any arguments come to their aid to prevent us from a battle? But not the letters of the duke of Marlborough and Monsieur de Camille have made public, and one there was a book called The Dutch Politics examined, &c. printed before the parliament, that settles this matter much higher than ever I did, which I never yet had seen answered? And must I only not be allowed to speak of such things without lying under the lash of a remonstrant pen, and looking upon us as enemy to the constitution? Is it the most wonderful part of all this, is, that these persons, who before were so full of these matters, that they could scarce forbear showing resentment at the usage the duke of Marlborough met with, have, ever since they was made use by me, made it their business to give a quite a different one. However, for the answer, or those who employ him, he is happy as they please, when I read the great Address of both Houses of parliament (which he might have been more majestic than to have managed as he has done) and read it is curiously they intend his Majesty, to all proper means to secure the whole constitution to make early and effectual preparations, and to enter their utmost effort in the prosecution of the war against France; I must be it upon us, that they had very good

politeness Sophia to come over, assured their

grounds for what they did, which sufficiently justified me.

"There is one thing more, which is so very ridiculous, it is almost worth notice, viz. how the learned critics behave, and as part of it, to bring the business of Barcelona within the circumference of what I said. It is so common a rule, that words are to be understood according to their subject matter, there is scarce a school boy who does not know it. And from the beginning to the end of that speech, there is not the least intimation as to or of any thing done in Spain. But it is all over to him whether that be or not, he never mistakes the grammatical construction of words; but, right or wrong, the word is to be held, that I spoke black as white upon, and contradicted my Lord Ponsonby, the king of Spain's letters, the queen's speech, &c. and put it into the first, that the paper was black, and declares to be burnt by the king's fire."

"I am to have sent up a mass of names of honours, will there have about him credit against a folly, he might as well as have brought in the Earl of Harcourt, and the king of Sweden's name within the compass of those words. Thus ended the campaign, almost operations in Catalonia. I could not look much at Barcelona and Majorca, Portugal, from whence I have recd a letter for my acceptance of Don Henrique Fagundes at the head of 20,000 men, two speech, viz. the *Marchado de Thomar*, with 20,000 men, which he might have easily called in pieces; march within pistol shot of here, and relieve Badajoz; and have kindly been received at home upon his return as well done."

"I shall say no more, at present, but leave it to the judgment of my intelligent and impartial reader, how far, by that speech, I have pushed on my opinions than to leave the ignorant and honest people in my favour, or how far I have been treated, as any man might expect."

"In short, though no man expects more in war measures every where than myself, yet I cannot but remember, that it often happens in war, as in peace, where it sometimes does, that 'was a loss, may lose the place,' which I heartily wish may never be our case."

"And as for those who see this person at work, however they have made a shift, to hang or keep up their reputation with some, which they have lost with others; yet they are so well known by both, as not to be long treated by either, and whenever it shall happen they have nothing but their own merit and interest to support them, I do not say but they will find their own reputation as low in the world, as they endeavour to raise that of others. And, as the most man, their present fears, weaknesses, and interest of every body, make them not only very enemy to themselves, but the very confidence and property of those they depend on."

"There are two other papers, which the limits of this paper will but just give me leave

to mention, and though the greatest part of the House of Peers were against this motion, yet they so far concurred with the motion of this speech, that they carried a resolution on the 15th of the same month, gave upon present, That a bill should be brought in, for the better security of the person and government, and of the succession of the crown of England, under the great seal, &c. and at the same time another bill to be brought in for securing such of the illustrious House of Hanover as were protestants."

to mention, viz. Liberty of speech is a constant, and the positive state of affairs is fixed, with reference to the trade, and the nature of the present war. And the motion, I should think respect itself, and I go in despite of it. And, for the second, necessary way for me to show the advantage the Dutch have over us at this time, is to point a comparison. And whenever you consider, that of what remembrance, although contrary to my wish, have been said in Holland since the war, (which I would be very glad to justify in some, I am confident, will appear a reason, as to the question of our own conduct, which that of the Dutch exceeds. But it would be very well for England, it is put, someone were given to take notice of this matter."

"And follow:

"Development; Because, we hardly regard the having a presumptive heir to the crown degraded the Duchess, would be a strengthening to her majesty's hands in administration of the government, a security for royal power, and the succession is to crown as he has established in the present line. (Signed) WINDHAM, JERVIS, BRIDGES, DUNSTON, ANGLADE, HANCOCK, B. CLARKE, ALDRIDGE, HOWARD, CROWEY, &c."

+ Bishop Burnet's Account of the Debate as follows:

"The most important debate that ever in this country, began in the House of Commons, being present at them all. The House was opened the motions of the day were to assign the Duke of Marlborough estates, both on the Mainland and in Ireland, and reflected severely on the Dutch, which I carried so far as to say, that the war was nothing; and after he had wandered in a rambling discourse he came at last to point which was best, to be the debate of the day. He and we had declared a 3^d the crown, who were at a great distance from us, while the Pretender was near us, and Scotland was armed and ready to join, and seemed resolved not to let us want Successors, for whose England had declared, these were threatening dangers being near us, and might be near us. He declared, that he did not see how they could prevail, and the House gave vote, by other way, but by making the war the

On the 19th of November, the lord Wharton opened the debate in a manner, that charmed the whole House. He had not been present at the former debate, but he said, he was much delighted with what he had heard of, saying it. He observed, that he had ever looked on the securing a protestant succession, as the main object, which secured effect to government. He had heard the opposite reasons, and knew the those reason and agreement to all the subjects, with a great reason in his own mind. It was now evident, there was a debate about her, when she spoke the cause was entirely superfluous, for he saw the strength, that it might be the more all were for the protestant succession. It had not been shown so. He rejoined in that conversation, and confessed it as a miracle. He would not, he could not, he ought not to suppose the majority of those, who moved for reversing the great succession, yet he could not hinder himself from remarking what had passed in the course of many years, and how much had argued, voted and professed all this while. This confirmed his opinion, that a miracle was now wrought: and that might why, were to show there change by an event of one, which he could not but command, though he did not fully agree to it. After this preamble, he agreed the proposition for the House to call the branches of it, that agents should be empowered to act in the name of the sovereign, till he should meet our orders: that besides that, when the parliament should meet, the next successor should and were sometimes called up, and to be agreed, when that accident should happen, of persons who should act in the same manner with them, who should be named by parliament.

The motion, being thus disposed, was agreed on by all the Whigs, and a bill was ordered to be brought in, pursuant to these propositions. But, upon the debate on the fourth of the bill, it appeared, that a contradiction, which the lord Wharton had so pleasantly exposed, was not

respect; upon some argument, concerning over the present Sophia, that the queen might be all she did not know what she did, and he like a child in the hands of others, and a great deal in that effect. Such rude treatment from the Tories, and the cool and serious of the Whigs, opposing a motion so extremely agreeable to her, increased her to want to see in the following line. 'I tell to dear Mrs Freeman, as it shall not disagree, as we have formerly done, for I am sensible of the reasons those people have done me, that you have a great opinion of, and will continue there, and we thoroughly can word of the nation and confidence of them, that you have always been speaking against.' And at this time it was, that the queen understood it to be a resolution to give the crown assurance to the claim, some of the things that she would put herself, and her officers, and with hands in they should approach, and she would do every thing possible for the recovery of the protestant religion.

as before as he seemed to suppose. For when a woman, that was real and visible, was offered, those, who made the other motion, he all from it. They pretended, that it was, because they could not depart from their mistake. But they were told, that the crown was not so easily taken, during her lifetime, as England, yet it was not so, as passed, that her son, the elector, could be taken, almost from his own dominions, and there all one of them, and of the concerns of the peer, in which he had to give a share. It should go over to some to show a time, for a distant might happen, in which it was easily possible to provide such an expedient, as was offered. This exposed their weakness; but were engaged in persons, who were not of consequence. It was stated, that the reason should be given, and no more, if they were fixed by the point they were in. To the bishop of Canterbury, the lord-chancellor, lord-lieutenant, lord-treasurer, lord president of the council, lord-high-justiciary, and the chief-justice of the Queen's-bench for the day, were named for that high court. To some, struggled hard, that the lord-keeper should not be one, only to show their opinion against the lord-keeper, but then was corrected with words, for it seemed ridiculous in a court, where there might be more reason for money, to exclude an officer, but that high court, who alone could furnish the with it, or direct them how to be furnished. The lords, moved likewise, that the lord-mayor of London should be one; but that was disagreed; for the design of the act was, that government should be carried on by those, it should be at that time in the conduct and acts of affairs, and were persons accustomed to the court, whereas the lord-mayor was chosen the city, and had no power in business. These reasons were required to produce great satisfaction, and to give orders for a performance over England and Ireland. The next successor might send a diploma of the persons named by her or him; one of them was to be directed with the archbishop of Canterbury, another with the lord-keeper, a third with his own successor residing at court; upon the producing whereof, the persons named were to join with the regent, to act in equality with them. The first person, whom though she had, was to be immediately brought together, and immediately continue sitting for six months, and thereafter to be kept in order, till the action should either come to peace, or a new order.

The Tories made some opposition to the rest of the act; but, in short of the most convincing, the opposition was insupportable. The rest of the matter agreed, that the parliament and the regent should be for ever an act of repeal of any part of the *Underscore*, and in his power was with this was not agreed to, he should still the chief was in danger, notwithstanding

ordinary and good; who, by reason of the great estates they have in those corporations, seldom fail, and have more right than any others to be chosen. And that the exclusion of those allies would very much abate the noble ardour, which several gentlemen showed at this juncture, to serve the nation in this just and necessary war, since they could not but look upon it as odious, to be made inseparable of wrong likewise their country in parliament. The opposite party, which chiefly consisted of the Tories, with whom several of the Whigs joined on this occasion, altogether, tho' it was which a bad press might make of a parliament in which there should be many of his measures; such are generally all those, who have employments immediately depending on the crown. The other party, knowing that they should lose the question, agreed in the postponing of three of the Lords' amendments, having already agreed to one of them. But, three days after, being reinforced by the return of those, who, for some time, had voted on the contrary side, the Lords' amendments were approved, with some few alterations; to which the Lords agreed on the 19th of February.

Complaints of the Allies rejected. [Nov. 22. Lord Mansfield moved, That the Management of the last campaign, occasioned by the Allies, might be enquired into. In the course of this debate, the errors, committed in the conduct of the war this year, were complained of; the blame, instead of the mismanagement of the design on the Rhine was laid on the prince of Baden, and the error in Brabant on the States and their deputies. But, as the party said, they could not judge of these things, nor be able to lay before the queen those allies, that ought to be so for them to offer to her, unless they were made acquainted with the whole series of these affairs; therefore they proposed, that by an Address they might pray the queen to communicate to them all that she knew concerning those transactions during the last campaign; for they reckoned, that, if all particulars should be laid before them, they should find something in the behaviour of Marlborough's conduct, on which a censure might be laid. To this it was answered, that, if a complaint was brought against any of the queen's subjects, it would be reasonable for them to enquire into it by all proper ways; but the House of Lords could not pretend to censure or to censure the conduct of the queen's Allies, who were not subject to them, nor could be heard to justify themselves. and it was somewhat extraordinary, if they should give a censure, or make a complaint of them. It was one of the trusts, which was lodged with the government, to manage all treaties and alliances, so that our commerce with ourselves was wholly in the crown. Allies might sometimes fail, being not able to perform what they undertook; they are subject to errors and scruples, and are sometimes ill served. The reasoning was that matter was not at all proper for the House, unless it was intended to run into rash and indiscreet censures,

as design to provoke the Allies, and to make them to weaken, if not break the League. The queen would, no doubt, condemn the conduct of whoever was wrong, and that was not trusted to her conduct. Thus the motion which was chiefly insisted against the Lords' Amendments, was only failed, but a subject opened that, as open other questions, that lay laid against those who made it.

Address to maintain a good Correspondence with the Allies. [On the 21st of November, the two Houses attended the queen with the following Address.

"We, your majesty's most dutiful and affectionate, the Lords spiritual and temporal, in the Commons, in parliament assembled, being justly alarmed by the many crimes which our enemies at France have put us pursuing last year, in order to ruin your majesty's crown, and to create misapprehensions, amongst the Allies engaged in this necessary war, for the want of the liberties of Europe; and being apprehensive that such malicious insinuations, if they should pass unrebuked, might in time take place, as to abuse the spirit, and shake the soul, of the confederacy; do most humbly beseech your majesty to use all possible means to preserve a good correspondence amongst all the confederates, and, in a more particular manner, to maintain and reform the friendship with the States-general of the United Provinces.—And we most humbly entreat your majesty, that as, in your own way of saying you have not before poor Allies a great number of people, so you would be greatly pleased, by all proper means, to remove whole confederacy to make early and effectual preparations, and to exert these states in the prosecution of the war against France.

The Queen's Answer. [Her majesty's answer was to that effect.

"My Lords and Gentlemen; your petition this Address, is a very particular manner to me.—The opinion of both Houses of Parliament will always be of the greatest assistance. I shall readily comply with your desire, and I make no question but it will meet with just regard from all our Allies."

The Arts against the Scots rejected. [The queen having laid before the two Houses the Address of the Scots parliament against the progress in the Treaty of Union, to the which dedicated these ideas by such should be repeated, the Tories, upon occasion, to make themselves popular, had failed in many attempts, without success, apprehending, that the Whigs had first moved for that act, with containing their own work, but they so be much surprised, when, after they published their petition in the matter of declaration of their intentions for the good, that showed they expected a bad debate; the Whigs not only did, but carried the matter further by their relating on their own designs and This passed very successfully in both

wisdom, and their open and secret shewings the art for sweeping it off beyond Protestant subjects, descending from the Church of England, from the persons of certain laws; the art for the frequent meeting and calling of parliaments; and the art for regulating of trade in cases of treason and magnitude of treason; which laws we shewed the very pillars of our constitution; and that consequently no subjects whatsoever ought to be entrusted with the power of passing any act in regard thereto, during the time, when it will be impossible for the monarch to know any thing of the matter, or so much as that the said monarch is become our sovereign.

4. "Because in the very bill, which entrusts the Lords Justices with a power of giving the royal assent to laws of no dangerous a nature, and with all the executive power, yet, we conceive, they are restrained from receiving the least military commission, or disbursing any money of the army, though never so much deserving to be regulated by them.

"Lastly, We apprehend the great danger her majesty may be exposed to, since whatever is insufficient to secure the succession in the Protestant line, and may render it liable to difficulties or even wars, must at a distance all danger against her sacred life: which may be thought the only obstacle in the way of such wicked persons, who may flatter themselves with the hopes of confusion after it.—(Pitts, Boscawen, Cornwallis, Doding, Baginbagen, Anglen, Mordaunt, Mordaunt, Thurst.)

"We dissent for the four last reasons, Grenville, North and Grey, Grenville."

Debate in the House of Lords concerning the Danger of the Church? Dec 8. After the Act for the Regency had passed, the Lord Halifax remembering what the case of Rochester had said concerning the danger the Church might be in, moved, that a day might be appointed, to argue upon these dangers, about which so many magical stories had been published of late. Accordingly, the day was appointed for the purpose, &c.

The Earl of Rochester^a began the debate, (the Queen being present) and told these words:

"The second son of lord chancellor Chandon, created earl of Rochester by Charles the Second; lord treasurer and a knight of the garter by James the Second; lord lieutenant of Ireland by William the Third, and president of the council by queen Anne. He died in 1711.

"Denton, his contemporary, says he was set in the conspicuous place of lord lieutenant of Ireland, to purpose to guide the people into the paths of love and obedience to their God and king. 'He is a person,' he adds, 'of extraordinary sense and very close thinking, a refined politician, and was ever a firm adherer to the royal line.'—but his real for the church is the more remarkable quality in him, and so performs the business of his whole life, that a minister here, whatever is brave, generous, merciful, just, and good; &c. Merely de-

ships." That the subject-matter of his tender a matter, that it was difficult to say; but her majesty had expressed her conclusively in her speech, that it would be to contradict the queen, to speak freely; in regard, that the minister might be supposed to make the speeches, he desired, that whether that night the be effective in the year when he had all the affection and regard could be. He argued, that ministers might take, and not always act for the public, and returned in the minority of Peter, when the king was not found, but the matter seemed to be otherwise, inasmuch that the

scribes him as 'one who had all the improvement of education and experience, and 'good capacity' and was he was, when so young, employed by Charles the Second in royal negotiations. He opposed King William coming to the throne, and generally threw the measures of that court, all the king, to parliament and his party, made him lord lieutenant of Ireland, and when he was thrown out of the gate, he was a very considerable person in his reign. 'He was very much up in a person, observes the same writer, 'which is the man who he often loses himself in the debate.' 'the House of Peers and the opposition know as well how to attack him, as to know his great stock of knowledge will him. 'He is understanding, one of the best men in England for business, especially the court party, and is very ready for his lord's service, a man accustomed judge, speaks lord Rochester as a man of great parts and corrupt practices, though of better nature. Before he rose to high posts, he was then the smoothest man in the court, and did all the disputes concerning his debts, money so dextrously, that no movements were used against him.

"Dryden passed a very censure of upon the earl of Rochester's being drawn from the treasury in 1687; which thus left

"Here lies a creature of indulgent fate, From Tory Hyde made to a chat of state; In chains now, Rialinsky, he's hurt! To sit upon empty regions of the north. The very things cut through the winding sky And as it goes does into crown's eye While we on earth are with no small spite The head of prey turned to a paper kite."

"The same versatile poet's present master of lord Rochester should, however, appear to this ideal.

"Hush, the friend of David is there! In pulpit stores of newly-prodigious By focus means he inform'd his party And paid experience to his master's art. His frontal case supply'd the winning dress Prigal for that, but countess of his."

Abraham and Abimelech.

^a See Park's *selected edition of lord's Noble Authors*, vol. 4, p. 47.

James would do himself to see; and added, that the Duke of Buckingham and Archbishop Laud were harried at the success of King Charles I. but did every thing that very much injured him. The full expression of the queen's speech he compared to the law in King Charles the second's time, in making it tedious to call the king's priest; for which very reason, he said, he always thought him so. The reason he gave for his fear of the church's danger, arose from these three causes: first, the Act of Security in Scotland; secondly, the heir of the house of Hanover not being sent for overtly; the war passing the Occasional Bill upon the law he used, the Presbyterian church in Scotland was fully established without a resistance; that is, that people was to give them a power to invade England, where they had a powerful party for their friends, who were raised the will to destroy the church that he thought the heir of the crown ought to be procuring him, in order to be fully acquainted with us and our constitution, and thereby enabled to procure any evil changes upon the church and state. That the Occasional Bill was in itself so reasonable, and the church's request so so small, that the industry appearing it gave the greater ground for support.

When that noble lord had done, the House was left a quarter of an hour, expecting some body would second him; but no body else speaking on this side.

The Lord Halifax² said, "That he having moved for the present debate, it ought to expect."

² Charles Montague, earl of Halifax, was the fourth son of the first George Montague, a progenitor of the earl of Manchester. He was born in 1681, educated at Westminster-school, where he is said to have recommended himself to Dr. Busby by his talents in mathematics, and removed in 1697 to Trinity College, Cambridge, where he continued in acquaintance with the great Newton, which continued through his life, and was at last attended by a legacy. He intended to have taken orders; but afterwards altering his purpose, published in 1700, the plan of one of the trials of the monarch. In 1694, being a member of the House of Commons, he argued warmly in favour of a law to grant the maintenance of several troops for high treason; and in the middle of his speech, falling into some confusion, he is said, by his hearers, to have uttered a detestable expression from the circumstance, proceeding in the same way Lord Shaftesbury has been stated to do.

After this he rose but once between and employment, being appointed, in 1691, a commissioner of the treasury, and a prepossessor. In 1694 he became chancellor of the exchequer, and the next year engaged in the active attempt of reducing the silver currency, which was in two years happily completed. In 1695 he projected the scheme for a general fund, which was the precursor of the

aid that he should speak to it. The Act of Security in Scotland, was a national thing, wholly foreign to church-affairs; that it was not to pass, but to prevent immediate war, which the Scots seemed to have resolved upon; that in case it should ever be made use of, it would be but as other wars with these nations had been, in former days, when England was always able to defend itself, and would now, inevitably,

nothing had established by Sir Robert Walpole; and after an inquiry concerning a grant of Irish crown lands in 1696, it was determined by a vote of the Commons that he "had deserved his majesty's favour." In the same year he was advanced to the first commission of the treasury, and appointed one of the managers on the king's absence. The next year he was made auditor of the exchequer, and the year after created Baron of Halifax, in the county of York. He was, however, impeached by the Commons for advising his majesty to sign the Partition Treaty; horrible details were discussed by the Lords. At the accession of queen Anne he was removed from the council, and in the first parliament of her reign was again attacked by the Commons, and again escaped by the protection of the Lords. In 1700 he proposed and supported the Union with Scotland; and moved the bill for the naturalization of the house of Hanover, and securing the Protestant succession; after which he was appointed to carry the message of the order of the party to the electoral court. At the queen's death he was nominated one of the lords regent; and by George the First was made viscount Halifax, earl of Halifax, a knight of the garter, first commissioner of the treasury, and last lieutenant of the county of Surrey.

"More," says Dr. Johnson, "was not to be had, and thus he kept but a little while." His lordship died on May 10, 1715, in the fifty-fourth year of his age. A mortally-painful cold by Philips was dedicated to his memory.

"Diction says he was affable, easy, and obliging, modest and ingenuous, and that all these qualities were well improved. There is a dedicatory epistle sent him with saying, 'Your lordship's patronage has produced three arts, which before shewed the contempt of this world, into the present of life; and it is to you we owe that the man of wit has served himself to be a man of business. Your own acquisitions have been directed from being the highest ornament to the highest use to mankind, and the expectations that would have rendered you the greatest part of your age, have to the advantage of Great Britain been employed in persons which have made you the most able patron.' Smith was not less laudatory in the dedication to his *Poems* and *Hyperion*: nor was Philips in his epitaph upon Tickell added much in a similar strain of panegyric, which drew forth the following remarks from Dr. Johnson:—'Of him, who from a poet became a person of parts, it will be readily believed that the works would not miss of cele-

he was able to do it, inasmuch as the strength of England was increased much more than that of Scotland; so that unless France should come into the contest, whose hands were already too full to do it, it would signify little; but blessed be God, things were so well compromised with the Scots, and their former host so much abated, that there was no reason to doubt of an amicable issue of these services. As to the heat of this matter, he said, that was a danger of but slight date standing, for he durst say a fortnight ago, nobody made the chance of the petitioning ladies a danger to the church; and as for her absence upon the queen's death, that was now so well to be provided for by the act for Lords Justices, that he thought no evil could possibly happen to the church before her arrival. That he wondered the house of commons should be now concerned with a security to the church; whereas, when the laws were made for the security of that assembly, it was generally reckoned a hardship upon the church; and a clergyman, in a company of nonconformers, had openly called her an unbaptized Lutheran, the truth of which he could prove. As to the Occasional-Bill, he said, that matter had been discussed already, and it was then the opinion of that

house that it would not prove of any advantage and security to the church, but rather the contrary. That, upon the whole, there had been times in their minority, wherein the church might be said to be in danger. The late Charles II. was a Roman Catholic, at least he thought so to declare it after he died; and the secretors, who had the management of all affairs, were known to be such, and yet the church might have been otherwise; and the patients, who stood up in its defense, and its devotion to prevent the evils which might have been a popish invasion, were doctors, lawyers, and physicians. Sure indeed he was, when that success came to the throne, that the church was very apparently in its greatest danger by the High-commission Court and otherwise, but were then indeed greatly alarmed; but we know who sat in that court, and what large steps in the work there to be! That, soon after the succession of King William to the crown, the cry of the Church Began to grow, and was continued all his reign, but all what proved his lordship was yet unengaged with. That upon her majesty's happy accession, for some time the parliament was silent; but that, when she was pleased to make some alterations in her ministry, it was immediately revived, and ever since continued; and his lordship concluded, that the church was in no danger."

The Bishop of London (Dr. Compton) following into the House, just as these last words were

"The earl of Rochester was one of its ecclesiastical commissioners in King James's time."

† "Henry Compton, youngest son of Spencer, earl of Northampton, who was killed in the civil war, was educated at Queen's College in Oxford. Having staid about three years at the university, he made the usual tour of Europe. After the Restoration, he began career in the rapid ascent of a church command by Aubrey de Vere, earl of Dublin, but a military life not suiting his disposition, he entered into holy orders, and was in a few years advanced to the bishopric of Oxford, and afterwards to that of London. He strongly opposed to be promoted to the see of London, and was greatly disappointed when it was given to Dr. Sancroft, but soon, when Dr. Tillotson was preferred to it. His learning was liberal, but his great diligence in discharging duties of his function was truly remarkable. He is said to have been 'an humble, meek, generous, and good natured man; but with a willful, much in the power of others, and sincerely wedded to a party.' He was popularly called *The Protestant Bishop*. A noble mind he made in defence of the rights of the church in this reign, when spirit and power were much more necessary than formerly. He patronized converts from popery, and was generous friend to the French Protestants, and had hopes from the persecution of Louis XIV. He appeared in arms at Northampton."

"Intrusion. Lord Halifax was, as Pope says, 'fed with soft dedications,' for Tillotson's stress that no dedication was necessary. Yet to charge all unassisted priests with the guilt of intrusion, and to suppose that the sacrament always binds and seals the falsehood of his assertions, is surely to discover great ignorance of human nature and human life. Very near to intrusion is the wish to advance."

"Considered as a poet," says Colburn, "his lordship makes a less considerable figure than the earl of Dorset; there is a largeness in his verses which seems to indicate that he was not born with a poetical genius. That he was a lover of the Muse there is not the least doubt, as we find him patronizing the poets naturally; but there is some difference between a propensity to poetry and a power of creating in it." Dr. Anderson seems to agree with the judgment of Colburn, when he determines that Lord Halifax can only be ranked with Stepney and Walsh, as being associated in the works of the Minor Poets, since he makes a less considerable figure than Dorset, or even than Sedley and Hingham. Dr. Johnson proceeds so far as to assert, "It would now be esteemed an honour, by a contributor to the monthly bundles of verse, to be told that an ardent rather familiar or whimsical he wrote like Milton; and the appreciation of his lordship's poetical merit will not perhaps be found to fall much short of the present estimate." Lord Orford's Noble Authors. Park's enlarged edition, vol. 4, p. 62.

"Proud as Apollo on his forked belt
Sat full-blown Bala, puff'd by every quill;
Fed with soft dedications all day long,
Harvest and he wait harvest-time in song."

delivered, immediately took up the Lord Hallifax; going far beyond the church's being in danger, that professors and intelligents were to rise among us, and the consequences of the point in debate, that a most vile book had just been published by a clergyman as his dissent (meaning Mr. Blackenburgh) whom he had endeavored to punish; but that he had such advantages in the quality of the law, that he could not come at him—and that sermons were preached, wherein rebellion was countenanced, and resistance to the higher powers encouraged.

The Bishop of Salisbury * replied, That his lordship ought to have been the last man to

use the *Formosan*, and declared his readiness to fight for the prince of Orange. He was a true man and brave champion of the church, and a most excellent benefactor to it. Whence importunate there might be in his character, he was obliged to be such a gentleman, and so was a Christian. Oct. 7 July, 1713, p. 81. Granger.

The profits here in Fulkens cemetery, with an all being brief memorial.

II. LONDON.

JOHN DE CH. STAFFS

MCCXIII

Being part of 'God forbid that I should say, we in the church of Jesus Christ.' His literary works were, a translation, in 1686, of 'The Life of Domus Olympe Melitensis, who gained Innocent X. and the church,' the 'Jesse, Burgess, with the private Instructions of that society to their Examiners,' 1690; 'A Treatise on the Holy Communion,' 1697; 'A Letter to his Clergy concerning Baptism, the Lords Supper, Conscience,' 1673, and other letters to them. It was nobly said by him when a person told his lordship that a certain clergyman had spoken contemptuously of him, his doctrine, 'I am glad of it, for he has given me an opportunity of setting you a good example in forgiving him.' Noble's Continuation of Granger.

* Gilbert Harriot, bishop of Salisbury, was born of a respectable and ancient family at Salisbury, 24th September, 1642. He was educated in the college of Aberdeen, and under the medical eye of his father, he early acquired talents of industry and application which attended him through life, and under all the inducements of age compelled him, discontented the system of every early morning as his effort to promote his studies with industry and effect. At the age of 18 he was admitted bachelor of divinity, but he refused the offer of a benefice, and in 1663, two years after his father's death, he went Oxford and Cambridge for his studies, and soon after passed on into Hallifax, where he applied to the study of Hebrew, to be an independent and friendly instructor with him in every religious point, and in his philosophy at separate intervals.

complaint of that service (meaning Mr. Benjamin Wadley's before the lord-mayor) for, if the doctrine of that service was not good, he did not know what defense his lordship could make for his appearing in arms at Nottingham. Then the bishop, proceeding to the question in debate, insisted on a piece of French history in the reign of Henry the third (which, he said, had been such a sign of later in a neighbouring country) in whose time the catholics set up the same cry of the church's danger from the Hugonots, and forced the king to comply with them; but that, their power thereby becoming great, they turned it upon the king himself, and he feared he should be thrust into a

and otherwise, without regard to crime or merit. On his return to Scotland in 1688, he was ordained, and afterwards appointed domestic preacher at Glasgow; but his benevolent attempts to reconcile the contending parties in religion, several others rendered him unpopular and suspected. He afterwards engaged himself to write the History of the rules of Hamilton, and recommended himself as much to the earl of Lauderdale and to the king's ministers in London, that he was several times offered a Scotch bishopric, which he as often declined. His intimacy with the court however was of short duration, he became unpopular, and was treated with harshness by the king, who ordered his name to be erased from the list of chaplains. To avoid the enmity of Lauderdale, he determined to settle in London, where he was appointed preacher of the Rolls chapel, and lecturer of St. Clements. His two first volumes of the History of the Reformation since that time recommended the public attention, and received an honorable testimony of its success, the thanks of both Houses of Parliament. About this time likewise he became acquainted with the prodigious Rochester, and by his conversation he reclaimed him, and had the happiness to see him atone for his debaucheries by a most penitential death. Upon the change of administration in 1683, Harriot's conduct gave offence, and his attendance on lord Russell at his imprisonment so much indignation at court, that he was by the king's command, discharged from his office at the Rolls' chapel and at St. Clements. His character was so well established, that, in his speech to Francis and Italy, he was received with every mark of esteem and respect by the French king, and by pope Innocent X. The services of James II. in this church, formed a new era in the life of Harriot. Desiring to return to his native country, he resolved to settle in Holland, and the attention which was paid to him by the prince and princess of Orange, proved so offensive to the English ministry, that he treated his ambassador so demand his retirement from the society, a synodal interference which was rejected, as he was under the protection of the laws as a religious subject and the husband of a Dutch lady. Being, two years after, he accompanied an

monitory if he did not speedily wash them, and therefore washed the duke of Gloucester to the heart. To the persons, which the noble lord who began the debate, gave for the church's danger, he re-

displeased the picture as his successor of England, and so positively active did he show himself as his own, both by his grandfather and his father disapproved, and William, a few days after he was seated on the throne, advanced him to the see of Salisbury. In his new office he was moderate but dignified, though his assertions in a Pastoral Letter, that William's title as the crown was founded on conquest, proved highly disagreeable to both Houses, and the offensive paper was publicly burnt by the hands of the burgesses. He resided in his diocese the first part of his time, and though he was engaged as preceptor to the duke of Gloucester, yet he devoted himself so much to improve the comforts of his clergy, by augmenting poor livings, as to advance the interests of religion by his sermons. He died 27th March, 1715, in his 74th year, and was buried at St. James's Churchwell. He was three married, first to lady Margaret Kennedy, daughter of earl Canina, about 1670, secondly, to a Dutch lady of family and fortune, who died of the small pox 1698, and thirdly, in the same year, to Mrs. Berkeley, a woman of excellent character. Besides his works already mentioned, and a third volume of the Dissertation, &c. he wrote the History of his own Times,—an excellent treatise on the Pastoral care,—on Exposition of the 38 Articles,—and Sermons. His son Thomas Barrett published an account of his life annexed to the History of his own Times, and the marquis of Halifax has drawn his character with great judgment and impartiality. Longman.

The following is Barrett's Character, as drawn by the marquis of Halifax. The copy from which this is printed in the Bishop's Life, p. 17, was taken from one given to the Bishop, in the Marquis's own handwriting.

"Dr. Barrett like all men, who are above the ordinary level, seldom speaks in a man, he seems either he is called on or answered; he has a confidence of imagination, that no other man comes up to, and as our nature hardly allows us to have enough of any thing, without having too much, he cannot at all times so hold in his thoughts, but that at some times they may run away with him, as it is hard for a vessel, that is leaky-fall, when at motion, not to run over; and tho' he is the society of many, that he ever carries about him, they throw out more, than an island cross could allow of. His first thoughts may sometimes require more digestion, and thus a defect in his judgment, but from the abundance of his fancy, which furnishes too fast for him. His friends have had one wish, to see read books; or if they do, that his greater talents give him a privilege of staying from the usual rules of civility, and exempt him from the ordinary rules of decency. He produces to me, that what is said in his

place, that, as in the Scots affairs, he was particularly acquainted with them, and therefore he would venture to speak with the most assurance. That the Scots Kirk being extended

strange calls for education, and what a new sect deserves an income; he says to some, who are grown of education, what should they have, who are educated by religion? He is not quicker in detecting other men's faults, than he is in detecting them; is ready, or rather glad to acknowledge his own, that from themselves they become crooked. All the repeated persecutions of his volume advances, have had no other effect, than in setting his good nature in so much a blaze light; since his anger never yet went below that to pay them. That heat, which is not other men's anger, and some, is his glow more warmth for his friends, and compassion for those in want and misery. As men have quick eyes, in detecting the frailties of those, that nature has made open to them, they do not miss one idea to make, and being satisfied only in their language for their discourse, they fall upon the one which arise out of his abundance; and by mistake, into which their make's language they think that by finding a note in his eye, they have also found that are in their own. He concludes makes writing so easy a thing to him, that his spirits are neither wasted nor saved; 1. The soul is not forced, every thing goes, and his eye looks without pause; which distinguishes so much what he does, from that which is the lamp, as a good painter will discern between that which comes from a mind mould, and that which issues of the wooden frame that have been bestowed upon it. He makes many enemies, by setting so clear example of living, which they are not used to follow. His indifference to the profession, is confined not only of splendour, but of all necessary plenty, his degrading himself in the lowest and most painful duties of his age; are such unexplained questions, for him he never so awkward in other things, that he must be a deceiver. Vastness of all a stamp set on many hearts is the opinion of those, who have entered the great assemblies, as to make themselves better, the present finery of the world. No wonder then, if they are angry, as it is that they defend, as that from a principle of self-wisdom they should endeavour to suppress, whose parts are a shame, and who is a scandal to them."

The following short view of Dr. Barrett, as drawn by him, is drawn by his son Thomas, and may not be unacceptably to the reader:

"His name, the only instance of which is recorded in mine, was employed in an early and uniform manner. His conversation excited him to be as each man. He was as he had been since the death of his father, during the winter, or from the end of the winter."

of which the English language was used, but that in several of them the queen was not prayed for. And the bill for giving persons liberty of conferring their benefices on clerics episcopally ordained would have passed (at least, King William had allowed it) if they would have put in a clause to add prayers for the queen to the government; but, upon offering this clause, the persons, that solicited it, let it drop. That, if the lord, who was member for the Act of Serenity, had looked two years backwards, he might have found another law, which seemed much more to his purpose, namely, the Act for confirming Propriety, 1 Anne, but his lordship was a member of court, when that act passed, and so perhaps advised it—As to the argument of the Dissenter family, it was not observed, that the bishop offered very thing unreasonable; and, for the Orthodox Controversy bill, he said, it had been there already, authoritatively argued, and he was glad they were rid of it; but, as to what a noble peer had advanced, he owned, that the church would always be subject to the censure of professors and theologians; that the dead would leave his agents in the world, be the persons never so careful; but he hoped he might say, that irreligion and profaneness were not now at a higher pitch than usually: that he hoped quite the contrary, and thought the Society set up for Reformation in London, and other cities, had contributed considerably to the suppressing of vice. He was sure the Corporation for the Propagation of the Gospel, had done a great deal towards converting into religion, by giving great numbers of books in practical divinity, by sending ministers to country parishes, by sending over many able divines to the foreign plantations, erecting libraries there for their use, and setting up schools to breed up the children in Christian knowledge; that in his knowledge 1,000 had been expended last year in books to those purposes, all collected by voluntary contributions; but in truth very little of it from those who appeared as wonderfully zealous for the church. That the press was indeed become very licentious, and sermons were preached wherever

very strange expressions were published. That he would read some of them to their lordships, and then putting out Tilly's and Maister's names, he read some paragraphs: these, and the were what were preached at Oxford, and these the most pious and the golden sermons, I must repeat, were to be done generally in a House where a noble peer makes his defence, when he knows that University is his province.

Then the Archbishop of York (Dr Sharp) stood up and said, His apprehension is

" " The pious and learned Dr. Sharp, bishop of York, was a native of Bristol, Yorkshire, and educated at Christ's College, Cambridge, where he made very wonderful progress in literature, but more excelled history and antiquity than the mathematics; chiefly studied those branches of science which were excluded from hypochondriacs; recovering, he was appointed domestic chaplain and tutor to four sons of our Sovereign's attorney-general, which led to his advancement. Sir Heneage obtained the bishopric in the first, and in the second character, it awarded his learned Sharp to Charles II. procured for him the archbishopric of Exeter, to that office his patron added a prebendal stall at Norwich, and the rectory of Bartholomew, near the Exchange, &c. The profits of these building him to marry, left the churchward's house, where he lived five years; and the rectory of St. Giles's in Fields becoming vacant, was after, (which had been granted to the deceased master) was given to him. Dr. Sharp enjoyed the first of the most eminent divines, but that of Dr. Tillotson was procured by one of these noble countenances which often mark the lowest eminent men. His father was a dyer, as was Mr. Joshua Tillotson, uncle of the last day's death register. The son and nephew only to know, to esteem each other. The curacy of St. Lawrence was given to him, and he received his doctor's degree, this he followed by the accession of the bishopric of Norwich. Before the death of Charles II. whom he had been chaplain, he was then dean of that city and great jurist; and attended the coronation of James II. which much he was attacked by his relatives of the noble posterity of the Church of Rome, the only visible Catholic con. Bishop Sharp, his diocese, was ordered to resign, and was himself suspended for refusing to do so. Dr. Sharp read his letter to Charles II. and, who endeavored to secure him, it was judged proper he should remain in prison until leave was given. He was acquainted, and removed to Norwich, where he lived with farming a collection of chiefly British, Anglo-Saxon, or English, called, he returned with joy, but not obey the ecclesiastical conventions. The arrival of William III. he was appointed bishop of Exeter, and was named and elected

supported his parish in the church of Exeter, the Bishop, out of his own income, paid him the yearly value of it during his life. His annual allowance for clergy was 3000 a year, which he often exceeded, particularly in the two years that he was primate to the duke of Gloucester, in which time his estate amounted to 7,000. In a word, no object of Christian compassion ever came within his knowledge, without receiving a proportionable relief. He looked upon himself, with regard to his personal revenue, as a mere trustee for the church, bound to expend the whole, in the maintenance of a decent figure suitable to his station, in hospitality, and in acts of charity. And he had so judiciously balanced this account, that at his death no more of the income of his bishopric remained to his family, than what was barely sufficient for the payment of his debts."

from the increase of dissenters, and persons who from the same considerations set up by them, and more, that the judges might be consulted what laws were in force against such assemblies, and by what means they might be suppressed.

Lord Wharton * spoke next, and moved, That the judges might be consulted about the

state of the king, and offered the various votes. Four at the depressed protest, but this is well known. Dr. Telford as length proposed, and the king wanted to his wish, that Dr. Telford should succeed Dr. Lancelotti in the post of York, and that persons dying July 3, 1687, he was consecrated and appointed. It is a remarkable circumstance, that neither of the above promises should previously have been a bishop. Queen Ann made him lord deacon, a party councillor, and a commissioner in the House. He presided at York for more than twenty years, equally admired and beloved. Piety and virtue inwardly increased in him, even along his studies, story, and devotion, were classically religious in him. Dispute and error characterized all his writings. He died at Bath, February 1713-14, without issue. York received his highly respected remains. By Elizabeth, youngest daughter of William Pitters, of Woodbury in his diocese, viz. he left a family who justly pleased in to good a parent. His Sermons, in several volumes, have been collected and published. Noble's *Companion of Granger*, 24.

Thomas marquis of Wharton was son of Philip lord Wharton, represented by Charles I. during whose life he sat in the House of Commons, with his relation, Mr. Bunsden, (son of the poet,) as representative for Northampton. "A profusion in politics, he was as silent in religion." Wharton, who found him at the head of a party in the House of Commons, and the married enemy of the house, gave him the office of comptroller of the household, made him a party councillor, and afterwards Eyre, south of Trent, but he was removed to make him in the premiership, he afterwards refused. The same boldness displayed of him in the House of Peers, after his lord's death, which had marked his conduct while lower House. On the queen's accession he was demanded, but she afterwards named him a councillor for the House; created baronet of Wharton, in 1705, and marquis of Wharton, in the county of Buckingham, and, in 1706, appointed him Lord Lieutenant of the county, but resided here in 1710. It was he who moved for an address to the queen, to sue for pardon to expel the sons of James II. from the court of Leinster; and to answer her refusal in the dissolution of war of her efforts, which she at last complied. George I. made him lord privy seal, named him marquis of Wharton and Milsbury in England, and marquis of Cuttlerburgh, and of Richmond, and baron of Tins, in Ireland. He died April

15, 1713, aged 64. Never were smaller children more abused than by this peer. He did not attempt to disguise but once gloried in vice. He defied an effort, either in his interest, or in his constitution; order, sobriety, and profusion of every kind were familiar to him. He exceeded the prodigies of the younger men; yet, at an advanced age he had the appearance of one. His secret kept pace with his prodigality; he was cruel to women. No impression could be made upon him; he labored with the same familiarity in the man whom he injured, as to one who expected his vengeance. To insipidity, though he owed so much to his voracity, he owed as if he had been opposing his relation, the uncap, Crosswell. In fine, the strength of his constitution, the vigor of his mind, his great wealth, and his high honors, were made as instruments to very unbecoming purposes. By his first marriage with Ann, daughter and co-heir of Sir Henry Lee, of Ditchley, in Oxfordshire, born he had no child; but by Lucy, daughter and heir of Adam Loftis, Baron Loftis, he had Philip, created duke of Wharton, so named for his extravagance; and two daughters, Jane and Lucy. Milsbury describes the marquis of Wharton as "one of the completest gentlemen in England; of a very clear understanding and much conversation, with abundance of wit; larger in his person, weak of a lifetime, of a middle stature, and fair complexion." Noble's *Companion of Granger*, 40.

Upon which the Archbishop stood up again and said, He supposed he was the person meant, and therefore he must explain that matter. He said his two sons were taught by

15, 1713, aged 64. Never were smaller children more abused than by this peer. He did not attempt to disguise but once gloried in vice. He defied an effort, either in his interest, or in his constitution; order, sobriety, and profusion of every kind were familiar to him. He exceeded the prodigies of the younger men; yet, at an advanced age he had the appearance of one. His secret kept pace with his prodigality; he was cruel to women. No impression could be made upon him; he labored with the same familiarity in the man whom he injured, as to one who expected his vengeance. To insipidity, though he owed so much to his voracity, he owed as if he had been opposing his relation, the uncap, Crosswell. In fine, the strength of his constitution, the vigor of his mind, his great wealth, and his high honors, were made as instruments to very unbecoming purposes. By his first marriage with Ann, daughter and co-heir of Sir Henry Lee, of Ditchley, in Oxfordshire, born he had no child; but by Lucy, daughter and heir of Adam Loftis, Baron Loftis, he had Philip, created duke of Wharton, so named for his extravagance; and two daughters, Jane and Lucy. Milsbury describes the marquis of Wharton as "one of the completest gentlemen in England; of a very clear understanding and much conversation, with abundance of wit; larger in his person, weak of a lifetime, of a middle stature, and fair complexion." Noble's *Companion of Granger*, 40.

He was a complete politician, a principal promoter of the Revolution, and for the Hanover settlement; at great sagacity, eloquence and spirit." Bolton's *Recent Portraits*, p. 308.

A Poem to the marquis's memory was printed in Dodder's *Collection*, vol. 3, and contains, among many other encomiums, the following tribute to his patriotism.

"But to den our throats up could his real state To send his country, and sweet her life From to her love and Wharton he stood, When they permit them to public good Who could oblige them with the current coin, Whom might be called, but Force were to him Power or present for no longer knew When covering much, that speech, just had to be Of his he was of the rage of empire torn, When justice comes here his hand of a nation To check, passed by men here, and famous are, But most devoted to good kings and law."

Lord Shaftsbury drew a less partial account of the marquis in 1709, when writing to Mr. Malborough. "Your character of Lord Wharton is very generous; I am very glad to hear so

Mr. Ellis, a sober, virtuous man, and a man of letters, and who had qualified himself according to law when they were sent to him; but when the Abjuration-Oath was required, that it seems, he refused it, which as soon as he was apprized of, he took his leave from him.

The Lord Wharton having made a reply to this, went his own way. Thus although he had been born and bred a Dissenter, yet he was conforming to the church, when he grew up, and became acquainted with its doctrine and discipline, that he was now firmly resolved, by God's blessing, always to conform to that church, and would go as far in defending it as any man: Wherefore if he were now sensible that it was in any danger, he would be heartily ready in providing remedies against it; but that, after all the cry and expectation they were screwed up to, upon hearing wherein their dangers consisted, it appeared just as he expected, namely, that it was only respecting The Memorial, which perhaps he had carefully read over, but could learn nothing from it, except that the d— of B——, the s— of K——, the end of N——, were out of place. What these B's, R's, and N's meant he could not tell; perhaps there might be some allusion to them for the church's recovery. But if these letters meant some noble peers there present, he remembered very well, that ever of them sat in the High-conventicled Court, and then made no complaint of the church's danger; but now that we had a queen, who was herself a real lover of the church, and had given such encouragement and liberal aid to her adherents for it, we must be assured with the Church's Danger. But he concluded with being of opinion, that the church was in no danger.

The Bishop of Ely (Dr. Patrick),† stood up, and moved, That the Judges also might be acquainted what power the queen had in voting the

will of her. If ever I expected any public good where there was wholly none, it was in her character: the most mysterious of any, in my account, for this reason. But I have seen every proof of this monstrous composed in her, of the very best and worst.* See lord Gifford's Noble Anthem, Park's edition, vol. 4, p. 66.

* Buckingham, Rochester, Nottingham.

† Dr. Patrick, a learned prelate, son of a minister at Gainsborough, Lincolnshire, where he was born 8th of Sep. 1705. He was educated at Queen's college, Cambridge, of which he became fellow, and of which in 1731, he was elected master, against Sparrow, supported by royal patronage. His opponent, supported by power, prevailed, while he himself retired from Cambridge, and became rector of St. Paul's Covent Garden, where he continued as some parish priest during the whole of the plague. He took his degree of D. D. in a master of Christ-church college, Oxford, 1736, and was made chaplain to the king. In 1737 he was made prebendary of Westminster, and

Canonbury, complaining of the low opinion of the gentlemen above, which educated into their pupils, who were sent away with them to the parsonage, must shew, to the great dishonour of the clergy, that as the church at Queen's was charitable to see a hundred or more boys and parsons, and crying, No Church, Occasional Conformity, against two men, gentlemen that stood candidly. This complained of the unfaithfulness of the clergy to their bishops, and the delinquency they had shown these regularly.

The Bishop of Litchfield and Coventry (Haugh),‡ made the same complaint. Bp.

in 1678 dean of Peterborough. During reign of James 2, he showed himself an advocate for the protestant cause, and was fastened and courted by the king, was made successively his principles. At the Revolution his abilities were employed in writing, in favour of the church, and in opposing the king. In 1689 he was made bishop of Chichester, years after translated to Ely, where he died 31st of May, 1707, aged 82. His writings, so highly commended by Burnet, are Sermons—Tracts against Popery—Commentaries on the Scriptures, 5 vols. folio, which are bound in the people's, Arnold on the scriptures, and a history on the new testament, a regularly continued commentary on them. Leipsic.

‡ John Haugh, bishop of Worcester, celebrated for his opposition when proctor Magdalen college, Oxford, to the university colleges of James 2. He was born in 1646, and after receiving his education at Birmingham, entered at Magdalen college, 1663, where he became fellow. At the beginning of the Popish Plot, he was improperly persecuted, and his papers were examined, but not lost his popularity, and he was afterwards patron the duke of Ormond to Ireland, his death 1684, he obtained a prebend. Worcester. In 1687 he was elected proctor of his college by the fellows, who then the arbitrary conduct of James 2. Anthony Farmer, but he was soon pulled by the high commissioners, and bishop of Oxford placed in his room. His struggle with a court and with party, though followed with great success, meeting resistance and charity, and of parish of Wilton of Okeage, the restored to its rights, and the prebend. In 1690 Wilton was made a champion of protestantism at Oxford, and in 1699 he was Litchfield. On Farmer's death in 1701 declined the primacy, but after, 1712, accepted the see of which he continued upwards of 20 years a liberal benefactor, and reformed a stipendiary the palace of which he was promoted, at the

not be safe without the act against Occasional Conformity, and that the queen had, in discourse with him, declared herself of that opinion.

The Lord Somers* recapitulated all the arguments on both sides, which his own judgment,

distinguished himself at the trial of Dr. Sacheverell; and on that occasion, spoke with great freedom concerning the Revolution, which he had already named in his long speech. He died in 1712, at the age of eighty. Lord Onslow's Noble Ancestors, *Parl's Hist.* vol. 4, p. 46.

* To the short account of Lord Somers, which will be found in vol. 3, p. 21, it may not be unnecessary to add remarks on the character of this great man, as drawn by Mr. Addison and also by Dr. Swift:

Prologue poem Cato's. Lord Somers's name,

"Be full rather than conspicuous."

"It often happens, that interrupting the flow of glory, which is observed to take the deepest root in noble minds, there ap several virtues with it, and that supporting the desire of fame is apt to reduce men to a state of indecision and opposition. But when, without any mixture of vanity, a person of great abilities is conscious for the good of mankind and not desirous but the consciousness, as the performance of different virtues, it may be said, that he has something more than ordinary in his every action, and that a heart filled with justice and magnanimity."

"There is, say perhaps, in all lawyers, a greater mixture of the temper of mind, than what is observed in that on that person, whom we have placed in the head of this paper. He had worn himself out in his application to such studies, as made him useful in one manner in the world, in consulting schemes for the welfare of his country, and in preserving such measures as were necessary for making those schemes effectual: but all this was done with a view to the public good that should result from those measures necessary, and not to the fame which should accrue to himself. Let the reputation of the virtue fall where it would; as his memory respect the benefit of it, he was satisfied. As this man of mind threw off in a great measure the opposition of every real competitor, it enabled him to give the most true and imperishable into his designs, and to bring about several great events for the safety and advantage of the public, which must have died in their birth, had he been so desirous of appearing beneficial to mankind, as of being so."

"As he was advanced into the secret and most retired thoughts and counsels of his royal master King William, a great share in the plan of the Protestant succession was actually concerted to him. And if he did not entirely project the Union of the two Kingdoms, and the Bill of Rights, which seem to have been the only methods in human policy for securing to us so indispensable a blessing, there is

and ended with a declaration, that it was happy under a great king and a constitution, wherein the public would justly applaud, the wisdom kept in a quiet mind, and thereby the public and the lasting interests, the crown and the

people who will show him to have been that character of both these phrases. The posterity are obliged to show him great after his death, which he had declared while he was living. His life seems to have been prolonged beyond natural term, under those independent as being upon the latter part of it, than he had the satisfaction of seeing the happy (happy) take place, which he had prepared himself as the principal end of all his labours. But was it a small addition to it, to know, that his time might be given who had been always his most friends, and who had contributed with such industry for the publicity of the Protestant succession, as drew upon them the pleasure of seeing who were among men, it seemed to this great part of merit and his understanding person in every. I believe there is one of these parties, who will think themselves from their work to have done, that they are not, having light and clear and the assistance of all my Lord Somers had with a great deal longer of affairs, under a minister that he thought, that, even should they were so, they would not have for themselves in every part of business, and in affairs of the greatest importance.

"His last will, in every part of it, set the standard in duty and energy, which he had in every part of his life, the more they could be such, as he did."

"His old friend, Mr. C., was married and such is reported to be a very successful agent in every part of his life, subjects with him, and one part of them. He showed himself all these, in a manner, one and the same, and that could be a part of his own, both in public and in private. He was not a character with great reputation in the cause of justice, perhaps, at a time when the Cause was so strong. In which he was not, but he was a great knowledge and energy with the great archbishop Tillotson, both by the same spirit and our most and our one of either with you, that will towards the persons of it, and that was in the unimpaired parts of Christ."

"His great knowledge appeared in every manifestation of his conversation, found in the heart of every of his own simplicity of his behaviour, and the his state. His great application to it, of which the law had not and he had not with any thing, peace or happiness, perhaps, what it was, or enough of it, peace, to through in the superiority."

climes, to the immortal honour of the age, and the unspeakable benefit and safety of

our whole of the discontented party: he hath raised himself, by the concurrence of many circumstances, to the greatest employment of the state, without the least support from birth or fortune: he hath consistently, and with great uniformity, retained those principles which he gave. That accident which first produced him into the world, at pleading for the change, when King James had sworn to the Treaty, might have proved a proof of merit as inexcusable as it was fortunate, but the old republican spirit, which the Revolution had created, began to teach other lessons; that since we had accepted a new King from a continental continent, we must also obtain new notions of religion and government: his were the nobility and gentry would probably adhere to the established church, and to the rights of monarchy as derived from their ancestors; it was the practice of those politicians to introduce such men as were perfectly indifferent to any or no religion, and who were not likely to desert much loyalty from those to whom they owed their birth. Of this number was the person I am now describing: I have hardly known any man truly without more proper to acquire and preserve the favour of a prince, never offending in word or gesture, which are to the highest degree courteous and complaisant, whereas he is an exacting example to his colleagues, which they did not think fit to follow, but this magnanimity is universal and undistinguished, and in private conversations, where he observes it is invariably as if he were in the greatest assembly, it is sometimes coloured as formal: no reasons are assigned for this behaviour; that, from the consciousness of his humble origin, he keeps all familiarity at the utmost distance, which otherwise might be apt to invade, the second that being sensible how subject he is to violent passions, he avoids all intimacies to them, by teaching those he converses with, from his own example, to keep a great way within the bounds of decency and respect, and it is, indeed, true, that no man is more apt to take fire upon the least appearance of provocation, which temper he utters to himself with the same address upon himself, so that his heart has been used to itself, as it has eyes to a smile with rage in those very moments, when his words, and the violence of his voice, were in the harshest and softest manner; perhaps that fire upon his nature, may cause that insupportable loss of courage, which his detractors lay to his charge, who consequently reckon dissimulation among his chief perfections. Advance he hath made, and his ambition is gratified, by being the acknowledged head of his party. With an excellent understanding, adorned by all the polite parts of learning, he hath very little room for conversation, to which he joins the pleasure of reading and thinking: and as the advantage of his

property: Wherefore for men to raise great few passions at this time of day, it had

two months I smelt with an illustrious man, an humble companion, in a familiar way.—There are some few disgusting marks in the character of that person now present, near the discontented party, although he be not amenable for all mistakes; and if his precepts had been exactly followed, perhaps these points would have been more easily shaken. I have observed, and heard him profess, that he is against engaging in that foolish project, Dr. Baileys, and, as that he should not to end in that ruin, that he should the destruction of some parties to the others, a great failure in practice, and that it being feared, for many reasons, that it would be a treaty of peace, he advised his friends to oppose it to the project, but that he had a plan of it was made, which would be to say the like usage themselves had not within the theory of Hume, and the other, as the most probable way of destroying promotion and rebellion, I have been to longer an representative in the circle of friends of that extraordinary person, James's was ever amongst both both in his mind: that appearance of civility, or politeness, only, to traverse the discussion of that party, as indubitably convinced by him, and I people, as more for the future as long as he and his friends will have been capable of success.

The following observations of Lord were capital many years ago from a scene in the possession of the late Dr. Baileys.

"April 28, 1776, said that Lord Baileys had been long since in a study, and Baileys had given to his clerical colleagues a wrong, that little remark was said."

"His application and capacity were great and uncommon. At his first school, he never gave himself up of the most of children of his age, for at school was never out of his head. To most of his life a few hours at deep at writing, a reader attended, and at his work the most valuable authors management of his time to the best of his own good fortune, and given priority in all his mental hours."

"He was strong and clever, standing three or four, a whole day, particularly, which appeared in all his actions. Every time was very well kept, and proper. His was a great application of all his abilities for all his country. As a writer, he was of the cause of liberty in the 1770s, and a period. In his address, a judge, but, and a minister, the highest point of great graceful remembrance was more."

"The distinguished and devoted"

mean as less, than an accession to either of
a house, and to defeat all those glorious de-
signs should

[The Church voted not to be in Danger.] The

not a right party. As he well understood,
it was equally ruinous to adhering to the con-
sent of the country whole in an error, and
also in a pre-eminence. To this testimony
of the calumnies and reproaches of his enemies
may be truly ascribed. They excited him his
generosity, and in their wisdom and danger
not to have been engaged in the real work
of the party, a man so upright and able as
he was. He was the object of their hatred;
and they had too easy and too much credit
that greater influence can be exerted on
a party government, than elsewhere in re-
lation to the government of such colonies.

— While I had finished my letter, it came
into my hand to add Somers's character,
and to mention, in Somerset, which was
at the time.

— There have so very short, not only for the
same period, but in comparison of your
long relations from your truly worthy friend
Mr. T. The account of his behaviour at
Oxford and many years ago from a school-fel-
low. I think Woburn in Staffordshire was the
time when they learned their grammar to-
gether. I remember very well his account of
some time, in being a middle man, wearing
white cap, and never so much as looking on
them that were at play, &c.

— Mr. W. Somers's account is, that by the
exercise of his knowledge and behaviour he
encouraged his father and all the young men
of the law. They were afraid to be as his
superior.

— For, with the class of Lord Somers's Town
and Somerset, there is this very remarkable
feature. I will not (though I safely may)
allege those steps to tell me wherever any
wired man, which had laws of their own,
and were not under the immediate rule of a
superior, did ever admit of a King of men
in religion than their own. I will not assert
that, but the more is not a base invention,
and in adversity seems paying no office of
mine, and that if a man's defects render him
incapable of that trust, he has also forfeited
his authority. In another place of that
place, Thomas, he says, 'I need not say how
often it was to be desired for every man
to be a man, and without the religious
state of his, with the necessity of those
persons, and the party that have made a
man's character more numerous and dis-
tinguished, and his life in danger.'

— Somers's behaviour having excited a
tumult, which had Somers's wrath, was
not to be forgotten, when he was presented
at the bar of the House of Commons, and
the House of Commons, which he was
presented at the bar of the House of Commons,
and the House of Commons, which he was
presented at the bar of the House of Commons,
and the House of Commons, which he was
presented at the bar of the House of Commons,

debate" at length being over, the question was
put, Whether the Church of England was in
danger, or not? And upon a division, it was
carried in the negative. Nov. 10, Year 30,

laughter, and the goodman withdrew in the
greatest confusion.

"The king, (George the first,) says Lord
Bolingbroke is a manuscript letter, 'let me
know Harcourt is the resolution of taking the
Whigs under more favour, but of opposing
no set of men who acknowledged the govern-
ment, and submitted quietly to it. As soon
as he came to Holland, a contrary resolution
was taken by the great majority of the
nobles and of some of the Whigs.

"Lord Townshend came triumphantly to ac-
quiesce Lord Somers with all the members of
proscription and of preservation which they in-
tended, and to which the king had at last con-
sented. The old Peer asked him what he
meant, and what laws on the strength of man-
agement he intended of the Roman Triumvirate." *See*
Parliamentary Anecdotes.

"Bishop Burnet gives us the substance of
the Debate in the following manner. "Up the
day appeared no more all made to believe, that
we should hear many beautiful things, but our
expectations were not answered, some apoke
of danger from the presbytery, that was settled
in Holland, some apoke of the absence of the
real reasoner, some reflected on the Geo-
graphical bill, that was reported in that house;
some complained of the schools of the Dis-
senters, and others reflected on the principles
that many had drunk in, that were different
from those formerly received, and that served
disunion of the Church.

"In opposition to all this, it was said, that
the church was not so, that our a had been
at the Revolution, persons was made, that our
king must be of the reformed religion, nor
was this all, in the late Act of Settlement it
was enacted, that he should be of the
doctrine of the church of England, it was
reasonable to add it to the House the rejecting
a bill, which was drawn by the majority, of whom
it became not the lesser number to complain;
we had all our former laws left to us, not only
intact, but fortified by late additions and explana-
tions, so that we were safe in all these, then
we had been at any time to remedy the Discon-
formity as now strength, they were ready
deceiving; the solution had softened their
temper, and then conceived violently as serving
all the ends of the government, nor was
there any particular complaint brought against
them, they seemed quiet and content with
their situation, a they could be but scarce of
arguing it. The queen was taking the most
deliberate and certain possible to deliver the clergy
from the dependence of poverty, that brought
them under much contempt; and showed them
the necessary means and help of study. The
bishops looked after their churches with a care,
that had not been before as the members of
and a good will to be found, by their

the queen's present. Next day the Lords sent a Message to the Commons, to acquaint them with their proceedings touching the Church and desiring their concurrence in the following petition, viz. "Resolved by the Lords spiritual and temporal, and Commons in parliament assembled, that the Church of England, as by law established, which was rescued from the extreme danger by King William 3. of glorious memory, is now, by God's blessing, under the happy reign of her Majesty, in a most safe and flourishing condition, and whereas your petitioners do suggest and conceive, that the church is in danger under her Majesty's administration, it is ordered by the queen, the church and the kingdom."

Popular Harmon.] This Resolution being carried in the House of Lords, as above said, by so great a majority, the opposite side, however, attacked the following Resolution for discussion:

10. Throughout the process we humbly recognize that there may be dangers in the church always responding as several accounts, the prayers we have to be read on the solemn days, under the head of a prayer for unity, imploring God Almighty's grace, that every body may assently try to heart the great dangers we are in by our schismatic divisions, show plainly, that, in the opinion of the compilers of this form of that prayer, and in his Majesty's judgment, who commands it to be read in all the churches and chapels throughout England and Wales, there are very many dangers.

2. We humbly conceive the Church to be in danger from a neighbouring kingdom, which though under her majesty's sovereignty, during her late [which late long protestant] hath not, by any means, yet been induced, to make the same Succession to the crown, as is established by law in this Kingdom, as the Protestant law; but, on the contrary, that Succession has been obnoxious by the Act of Security, which, with several other acts, passed in that Kingdom, has been judged by this House, in the last parliament, to be dangerous to the present and future peace of this Kingdom, and therefore we may justly fear these are dangers from hence, both to Church and State.

"2. We humbly recognize that, even though we are not the Church, we are very close to the Church, for most of

ness and that, for serving the plantation better than had ever yet been done, a spirit of zeal and piety appeared in our churches, and at several points, beyond the example of former times. In this respect it was acknowledged the church was in danger, there was an evil spirit and a violent temper spread among the clergy, there were many ignorant sermons preached on public occasions, and those few clergymen, who were not the most regular in their lives, had raised barriers in many churches against their bishops - there were dangers caused by those lay men, who filled the pews with the outcry against the many ones, while they own seats at a reduced rate and threaten to desert, if

a lesson preventing persons who are not holding offices of trust and authority, but Church and State, who are not connected with the communion of the church establish law; and therefore, on the account of these happy divisions in the Lutheran people, Haldrup and others were left, who, on the account of the maintenance of the law, in politics and spiritual discipline, are in all the church may be in danger.

"4. Though we have an extraordinary
in her country's soul and part in the church
we show too, in duty in her country and
service of the government, condone
as much as this, in relation to the
work of the church, and safety of the

"I, Hong, recently converted the rooms, among which were installed a dining, are sufficient in quality and quantity, that it is not proper to accept them. On the other hand,

[illegible]

* I thank, for the first, second, and last editions, Harvardian.¹¹

The Archbishop of York, and his
Bishopric, presented themselves.

The Commons began with the Lords this Dec. 7. The Lords sent a message to Commons, to request them to send 12 members, and to discuss their numerous other resolutions in relation to the Wharfedale irrigation company the day following. Whether they should assent to the report of a committee, or to a bill (which it seemed for the latter by a majority of seven votes) still.

Mr. Kennedy opened the debate in which he condemned in part, it was to be in danger by the same arguments, and been situated as in the House of such as, the power of the Presbyterian Scotland, where the church of England did not so much as tolerated - the absence of more Protestant measures, in case of the dissent; the want of an act against non-conformity - the increase of private schools and universities, professions, civility, and religion - and the Act of 1707 passed in Scotland, to which he added, viz. the above and all dispensation of which has been to the church.

but John Perkins, who spoke on this side, urged the brethren of the the great number of blacks, who were published against the church, the abolitionists' connections; and the abolitionist, which was the title of their letters, as proofs of the church's no danger, when, then, if they agreed to this, namely, the negro would increase, have the force of an act of

which would be a dangerous weapon in the hands of all members of state, who thereby might set people into chaos, so says the king would take them to suppose otherwise.

The opposite party answered these arguments, and, after a long debate, the Lords thought it was proper to give a majority of 11 to 6.

Place of both Houses respecting the Rights of the Church of England being in Debate. Dec. 19. Both Houses agreed upon the following Address to her majesty.

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal and Commons in parliament assembled, having taken into consideration your majesty's most gracious speech at the opening of this parliament, have, upon mature deliberation, come to the following Resolutions—

"Resolved, by the Lords spiritual and temporal and Commons in parliament assembled, That the Church of England as by law established, which has been received from the remotest times by King William the Third, of glorious memory, as was, by God's blessing, under the happy reign of her majesty, in a most safe and sound constitution, and that whenever any should attempt and endeavour, that the Church of England, under her majesty's administration, should come to the question, the Church, and the kingdom."

"And we humbly beg leave to shew, before your majesty, that, as your majesty has been pleased to express a just indignation against all such attempts; so we earnestly your majesty request, that you should be always ready, in the exercise of your majesty's most happy duty in discharging our and defending their prerogives, that you should be ready to take every measure for the strength, the aid, and preservation, and also for punishing the enemies of the Church, and Commons in parliament assembled, so, in the end that all others may, in all things, be directed to us and according to the resolution in each such case, as shall be presented to us and answered."

The Commons Address. Her majesty gave the answer.

"I have, in my answer, I shall readily express to you, Madam, and am very well pleased to find that the House of Lords are united with me in putting a stop to such attempts."

"We have also that for offence of the Church, and Commons in parliament assembled, that we have the Church of England as by law established, which has been received from the remotest times by King William the Third, of glorious memory, as was, by God's blessing, under the happy reign of her majesty, in a most safe and sound constitution, and that whenever any should attempt and endeavour, that the Church of England, under her majesty's administration, should come to the question, the Church, and the kingdom."

"with the Court at St. James's." And then said Mr. Carter endeavouring to convince himself, and being called upon to withdraw, and his being withdrawn accordingly, and a debate arising thereupon, the House resolved, "That the said words are highly dishonourable to her majesty's person and prerogative. And That the said Charles Carter, who should have been admitted as a member, committed prison to the Tower."

The Queen's Proclamation respecting the Rights of the Church being in Debate. Dec. 20th. The following Proclamation was published:

"ANNEX B"

"Whereas of late several persons, endeavouring to flatter themselves, and to cover designs which they dare not publicly own, have boldly, sedulously, and maliciously suggested, the Church of England, as by law established, to be in danger, at this time, wherein we thought fit to take notice in our speech made at the opening of this Parliament: and whereas the Lords spiritual and temporal, and Commons in parliament assembled, have by their humble Address represented to us, that, having taken into consideration our said most gracious speech, they had upon mature deliberation, come to a Resolution, which they had before us, asserting us, that, as we had been pleased to express a just indignation against all such wicked persons, they will be always ready, in the exercise of their power, to assist us in discharging our and defending their prerogives, humbly beseeching us to take all such measures for the strengthening the aid, and strength of the Church, and Commons in parliament assembled, and also for punishing the enemies and opposers of these aforesaid resolutions, reports, to the end that all others may, for the future, be deterred from endeavouring to disturb the kingdom, with such malicious and groundless rumours and suggestions. We, therefore, at the said humble request of the Lords spiritual and temporal, and Commons in parliament assembled, do by this our royal Warrant, make public the said Resolutions, which follow in these words—

"Resolved, by the Lords spiritual and temporal, and Commons in parliament assembled, That the Church of England, as by law established, which has been received from the remotest times by King William the Third, of glorious memory, as was, by God's blessing, under the happy reign of her majesty, in a most safe and sound constitution, and that whenever any should attempt and endeavour, that the Church of England, under her majesty's administration, should come to the question, the Church, and the kingdom."

"And we do hereby, by the advice of our privy-council, declare, that we will proceed with the strictest severity the law shall allow of, against the authors or sponsors of the said malicious and scandalous reports. And we do hereby greatly charge and command all and singular our judges, persons of the peace, sheriffs, mayors, bailiffs, and all other our magistrates, officers, to take effectual care for the speedy suppression, detection, and punishment

ment of all such persons, who have or shall at any time hereafter offend herein. And we do hereby further require and command all our loving subjects—whosoever, to discover and apprehend all and every person and persons whatsoever offending, as aforesaid, in the said they may be dealt with and proceeded against according to law. That whereas late and malicious and scandalous reports have been greatly promoted and spread, by the printing and publishing of a malicious and seditious libel, entitled, *The Memorial of the Church of England*, braudly offered to the consideration of all true lovers of our church and constitution. And whereas David Edwards, of the parish of St. Dunstan's in the west, London, printer, is charged on oath to be the printer and publisher of the said libel, and is now under prosecution for the same, and on that account absconds from justice, and the author or authors of the said libel is or are not discovered, we do hereby further require and command all our loving subjects—whosoever, to discover and apprehend the said David Edwards, and the author or authors of the said libel, in the real they may be dealt withal, and proceeded against according to law, &c.

[*The Queen's Speech at the Adjournment*] Dec. 31. The queen came to the House of Peers, and after praying several Bibles, made the following Speech to both Houses.

"My Lords and Gentlemen: The necessity of your proceedings in this parliament has already had as good an effect all over Europe, that I cannot but take notice of it to you with great satisfaction.—The good disposition you have shown in doing your part as fully towards me Queen with Scotland, is also very agreeable to me; and, I hope, it will prove for the advantage and quiet of both Kingdoms."

"Gentlemen of the House of Commons; I must not own to take the account of returning you my hearty thanks, for the great dispatch of the reasonable supply which you have given me. I look upon it as a sure pledge, that the same zeal and assistance for my service, and the good of the Kingdom, will carry you through all the necessary parts of the public business in this session."

"My Lords and Gentlemen; In case you now think of some recess, as is usual at this season; I make no doubt, you will afterwards return with the same good disposition to give all possible dispatch to the public affairs and depending, and bring the session of parliament to a happy conclusion."

Both Houses then adjourned; the Commons to the 7th, the Lords to the 6th of January.

[*The Commons give the Duke of Marlborough Thanks*] Jan. 7, 1703. The Commons resolved, "That the Thanks of that House should be given to his Grace the Duke of Marlborough, for his great services performed to her majesty, and the nation, in the last campaign, and for his prudent negotiations with her majesty's allies," and appointed a Committee for that purpose. Who having attended in Council, the

Commons said, "He was so sensible of the honour that was done him by the vote, that he could not but have the most cheerful reflections of any private person, whilst so valuable and lasting his faithful services to serve the queen, and the Kingdom, as that able supported by the House of Commons."

[*The specific Message from the Commons to the Authors of the Memorial*] Jan. 11. Secretary Mashy appeared for the House, to her majesty, in pursuance of the address both Houses, put into a Proclamation, and was an encouragement for discovery of Author or Authors of "the Memorial of the Church of England." So, the printer David Black, being now in custody, and other persons being examined, in whose deposition he appeared the names of some members of the House, her majesty's statement for any which had the appearance of the said the House, had ordered her to demand in to acquaint the House therewith, before she read any further proceedings in the said matter."

Thereupon, the Commons desired the Secretary to go with the said Westminster-hall, the Court of High and, placed adjacent, and examine the books there to find out the authors of the libel. And the Secretary being returned to the House said, "The most humble Address should be made to her majesty, requesting the liberty of the House, for to give some message that it is her intention to go to the perusal of the House; and to desire, that she would please to give order for a further search into the Authors of the libel mentioned, and remove."

Which Address being presented accordingly

"Jan. 13. David Edwards, printer of the Memorial, who had a long time absconded and was left without any support by that that had employed him, was, by her own consent, taken into custody of a Messenger, on a promise on coming, from Mr. Secretary, That he should have his Freedom, he discovered the Author or Authors of the Pamphlet. Hereby, after being examined before the same Secretary, he presented could be it upon these gentlemen, in the House of Commons, viz. Mr. Pollock Ward, and Mr. Humphrey Mackworth related, That a woman in a coat, with a handkerchief, brought the Manuscript, and made a bargain with him to be printed upon for it; which he delivered papers and is done by the printer owned. But though the woman that Edwards without a word, and some papers were found out and taken was responsible to carry on the discovery further. Which gave occasion to the House of Commons (Mr. Pollock) "That it was not usual to search in that House, of being concerned in the to the perusal of the aforesaid, knowing their names." Tristram.

any next Papist here was under age. Secondly, (and this was the main circumstance) a lying by that clause upon the next heir to him, who at the age of eighteen refused to declare himself a Protestant, so prove that he had not made that declaration, it was impossible for the next heir to prove such a negative. Now, for another circumstance, which was admitted, it was inserted in the bill, "That all Papists and rejected Papists should, within six months after they had reached the age of eighteen, not only declare themselves Protestants, but promise also, that they had made such a declaration." This alarmed all of that religion, so that they made very powerful for to take the matter at that time; singly inconsistent with the considerable men of the House of Commons. The court looked on, and showed indifference in the matter; yet it was given out, that so severe a law would be very unreasonable, what the same was an alliance with a very potent of that religion; and that it must lessen the love of the queen's subjects to be in favor of the Protestants, who lived in dependence of the crown. The proceeding, meeting again, and not suited to the gentlemen which the Christian religion is particularly recommended, and was contrary to the reasons of liberty of conscience and toleration, that were then in great vogue. It was asserted that the dependence of those of that religion on a foreign jurisdiction, and at present on a foreign pretender to the crown, put them out of the case of other subjects who might suffer from the established religion, which there seemed to be good reason to consider them as enemies rather than as subjects. But the application was made as to effectual a manner, that the bill was left off; for on the 2d of March when Mr James Montague was to report to the House the amendments made to the bill by the good committee, the duke of Norfolk, the chief among the Roman-catholics in England, presented, "That he might be heard by his counsel for explanation of some words in the bill, and for such relief to him, as to the House should seem meet." Upon the reading of this petition, the Commons ordered, that the duke of Norfolk be heard by his counsel, as to the property in the office of our marshal of England only. But he created still being then ready, the House heard Mr James Montague's report, and then entered the bill, with the amendments, to be amended. Two days after, the bill was read the third time, and several other amendments were made to it, after which the question was put, "That the bill do pass?" This occasioned a great debate, wherein entered Godfrey, Mr. De Courcy, and Mr. Agel endeavored to show the necessity of such a law, saying, that, besides the obvious it would give to the Roman-catholic population alliance with the nation, it would link a if they expressed the power is exercised by the French king a double Papist process against the Protestant subject. At last the bill was rejected by a majority of 119 against 447.

The Lords' Address against Papacy. [10] Though the Lords had made some steps towards such a bill, yet since they saw what the king like to have in the House of Commons, moved of proceeding further on it, they demanded the matter with the following Address to the king, on the 11th of March.

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, do humbly beg to present to your majesty, That the Lord of Christ has presented to the Roman Nation, for himself and the clergy and of the worst parts of Lowcountry; accepting the miserable boldness and presumption of French priests and papists, in supplanting their religious art and device, in person and making the clergy and commoners did not only secretly, but openly and in defiance of the laws, that their priests, commoners, their reasons frequent, their people collected in troops, they carry a thousand, or perhaps more, they were Protestants not or doing in order to prevent, they throw out all language against the king and government, and spread false spiritual scandalous reflections upon the established dog and have built a masterly schism, which, as the Protestants had good reason to believe, tended for a schism, and several hundred were sealed, for the endorsement of him, other places; that the papist clergy are content to their priests is their performance, and associate themselves into Protestant bodies, catch at all opportunities to carry some, thereby they have produced many the clergy.

"Such open insubordination, shows by people obvious in the laws, in the midst of a man, which your majesty is engaged upon the French king, the declared protection of and the papist religion, who speaks particularly to your majesty's crown, does not only give a just indignation, but makes it still absolutely necessary, for the safety of your majesty's royal person and government, that a more watchful eye should be had over them in the future; and, for that purpose, the strict and particular account should be taken all papists, and rejected papists, in their with their respective qualities, names, places of abode.

"We do therefore most humbly beseech your majesty, that you would be graciously pleased to send questions to the several Lords, Bishops and Clerical Bishops several counties and places, to create Deputy Lieutenants and Justices of the Peace of the respective counties and places to be made together, and, being so assembled, agree of the most proper manner, to show by into several divisions, for effectual performing the said work of subduing; and that, at each gathering, an account be taken directly of the names of the several Justices and Deputies designed for the said several counties and places.

of Marlborough and the earl of Albemarle, when they were here, that she should not entirely maintain a true neutrality with the queen: and also be ready to comply with the desires of the nation in relation upon her, through she should oppose her son in pursuing the war, if they were necessary towards the establishment of the Protestant succession, and for the good of the kingdom: But that, in the mean time, she should in private quiet and content there, be in waiting with parties or cohorts, and not in the queen and parliament to do what they should think fit.

I did therefore believe I should please your majesty by sending you so desirable a declaration, by recommending you as a supposition to be retained upon it, and by entreating you to communicate it to our friends, being well assured of your zeal for the Protestant succession, and friendship for me. But I was very much surprised when I found, by your answer, that you did attribute her royal highness's declaration, which was so necessary in such, to the wishes of the Jacobites.

What, my lord, would you then be pleased that the electress should not think of England, and that the people should believe so? either she would countenance such against the queen? Or ought now to be called a Jacobite for maintaining the world in a gross and wild a misrepresentation? The electress hath been often desired to declare, that she was willing to come into England; but she never thought fit to give any answer to it, farther than she intimated herself and family to the service of the queen and parliament, which was pressed to declare, that she would not approve of the reasons to be offered to a war now. This was such advice that it gave her no reason to suspect, that there were some secret ties between the succession, or at least tending to disturb the affection of the people from all parties. And that was no further necessary.

It is a proper time for her to express her affection. But whether I am right in this point or not, my friends in England are less judicious.

It is not reasonable that I should submit much to their opinions and advice. And I shall not say what your grace shall say. I think will ever have the greatest right to direct.

Let I write the more plainly to you, without any disguise, that you may come to know how to think fit. For they are such that I have great zeal for the good of the nation, and sincere respect for the queen.

I have been proud that I was given to you, as a favour for your grace. But I thought that in different circumstances, as when I was in France, and in the hands of the queen, I was given to her as a favour.

By your grace's command.

Done at St. James's, 1702.

son for the declaration she made, that she might not be misapprehended.

Your lordship further tells me, That you will not stir in any thing of this kind, (I use your own words, but I may as much use your meaning) which tends, in your lordship's opinion, to set up in a party in England, in opposition to each other? But I propose any thing to your lordship but to do justice to truth by making known to our friends her royal highness's good intentions? And can you complain of me for detaching a thing so just in itself, and which every honest man ought to do? How then can your lordship imagine, that this tends to set up two courts in opposition to each other? It is plain, by the electress's Declaration, that she hath not nothing therein, either to draw her being named over, or to hinder it, but she leaves all to the queen and parliament. I told you this, and you seemed to take it ill, or at least otherwise than I intended it. What now did represent this to your lordship as a thing that may disturb our present quiet and future peace, must be an enemy to both.

Do you think, my lord, that the electress ought to declare, That she would not come into England? or that she herself should attract any invitation that the queen and the parliament may give her? This might be taken as an abdication of her right to the succession. But I can assure your lordship, that she will not being the trait and confidence the people of England has a respect in her, nor injure her family. It is true that she is much advanced in years, and, according to the course of nature, may not live long; but she always and you co-disposed have more years to come, as all appearance and true witness that deserve the most in England, a house in which please God that she may live shall come to them. Can you appear such a thing? Or can you think the nation of it, friends to her, or her family, or which is more, friends to England? Must we say, that those who speak against her, are her friends, and those who speak for her, are her enemies? This seems to me to change the name, and nature of things.

When your lordship considers what I have said, and reflects upon it in your breast, I doubt not, but you will see that you have been misinformed upon by those who are Jacobites themselves in their hearts, or something worse, if it be possible, and certainly design to subvert the Protestant succession established by law, or to weaken it, that it may depend upon accident, or upon the humour and interest of particular men. For none but such can have the patience to insist, and maintain to others, that the pretence of the succession is a fiction. This is a thing that hath not been heard of in other countries, and is not to be spoken without scorn. This is a new garden, which cannot be cultivated in England, by any but those, who are very weak, or very stupid. We ought to maintain the contrary, were we know that we be in error, and to expose our way to shame, and an irreparable and powerful enemy.

abroad, who may have both the will and power to hinder the progress and establishment of the massacre, at the time when it may be most necessary; and totally thereby to subvert our constitution, if it does not please God more soon, to preserve us by his merciful providence.

"I've got my way, my lord, and I mean that I would advise the electors to take care that this is not approved upon by the Parliament. But this caution is very unnecessary, for I can assure you that her royal highness does not counsel them in any thing, and much less will she do it in what relates to the succession. For if she did, she must act against the interest of good reason and sense. You may say that does not Jacobites who give these advices. But her royal highness did not want any advice to express and declare herself, as she hath done, in a manner altogether to her former conduct. If we will suppose that this proceeds from the Jacobites, we must, at first, think that not for their interest.

"But can you believe, my lord, that it is, in any manner, for their interest to persuade the Protestant electors to elect a hereditary and affection for the queen and nation? And yet that is all that her royal highness hath expressed in her letters to the civil aristocracy. Such Jacobites must be very ill, and not so be found, who should advise that which must destroy all their hopes. For the electors's declaration was to take off all our previous suspicion, to create all honest men, and to remove our constitution. And therefore war had ship, and all our friends, ought to have desired her royal highness to explain herself in this manner: and all that wish well to their country, ought to thank her for having done it.

"The Whigs would have been much more glad to have seen such a declaration in her royal highness. I say this, my lord, judge what opinion the electors ought to have of persons, of our character and principles, as she should receive advice from us, according to what thoughts to have expected. But I do not apply this to this year's bidding. For I am persuaded that you will be one of the first that will quit the mistake, and condemn the strange errors that have been imposed upon you by others.

"We have been proud to say, that the House of Hanover, the people of England, and our parents, were most obliged to the Whigs, next to the king, for setting the succession upon that most virtuous House. And how much should we be to be blamed, if we should lose the merit, by parting with our principles, that were so well grounded upon honour, and the public good; and by destroying the work of our own hand, for a base and unworthy interest, or for a blind adherence to those, who lead us into where they please, and get us led thence, as if they go, come, or imagine prospects, of which they may be disappointed? For if they hope to get their revenge by such methods, they cannot be long irretrievable nor preserve

the favour they seek. For they will soon be cast off, when it is found that they have been the authors and authors of the people, by the work of necessary conduct. They cannot do any thing that will better please their country, for, while they think to keep down the king by a majority, and against them, even in the most reasonable and just, they will destroy the constitution, instead of preserving it. I think it to give their principles, yet I will not give it to them: for I am full of the same opinion that the late Englishmen professed when to be so, in the late king's time. I find no reason for any honest man's change.

"I am sorry for those who suffer themselves to be imposed upon; but they who have such designs, may see the respect of them, and will be kind to say, that they must either play the victim in the givened confusion, or it is unable to punish them: so that they must choose which for the danger into which they like to bring it. Those who bring themselves, will have little misfortune or punishment, in giving their support for such men, which he could be said by their conduct to the present, perhaps was they well known, and would have made death and deliver them from the punishment of their conduct, whether it be continued to be known, and except it be lost in confusion, as whether it be covered by papers and strategy, which may happen to be in the world without in making, as well as in a secret. For it is known and paper, and such, many of them will suffer under the hand and destiny of such, which will not be less than those we have read of in your history; and they, that were that themselves the most honest among us, will be happy if they were only their own.

"So true like a revolution is, perhaps, to be apprehended, than people that it does not happen at present, as it will come to pass, even in the time of those who believe they may contribute to the work of safety. They themselves in those reasons which they would carry out, partly, and even to their own that they have seen, and they will in their own present passions, at the expense of their country, and contrary to their duty to God and man.

"These, my lord, are the words of men who are worked in themselves that we ought to obey; and not the duty of understanding better to receive the Protestant motto, by having the word brought in the hand. But I will not tell, that the coming of the electors of England, will not appear, soon, that I put such others. I cannot conceive how they would tell you such a thing, or colour they could have for so base a reason.

"For the electors declare, 'That will be easily understood and taken upon, by all those, who imagine the old constitution'

queen, and both voted out of danger. May the judgments, honour and numbers of our friends, never be called in question by our sins, and other means; for their very riches, mistakes, in losing this great, and, perhaps, irreparable opportunity they had to oblige their country for ever.

"If the motion to annul the Succession could be of any use to the Jacobites, it could be certain it was not received. Ought a good thing to be disappointed, because a man I support, or do not love, proposes it? If we mismanage this point, &c. will put it into the power of the Jacobites, to hinder any good resolution we can desire to take, for it will be enough, if any one we call a Jacobite, seems to agree with us. It is a shame that we should be exposed upon by such weak and indiscreet actions.

"In short, to oppose the farther securing of the Protestant Succession, is to act directly for the Jacobites, and to hinder the Successor's raising, is to beg out, to oppose the farther securing of the succession, in my humble opinion. The succession and England are in great danger from the present conspiracy of affairs. The success of the present war, which is, as yet, very uncertain, will have the greatest influence on this subject. Our constitution does not allow of a standing army in time of peace, though we have a formidable neighbour, who hath always a well, good, and numerous surprise us, whether we are in peace or war with him, if we are not ever upon our guard. And we are at no less, than to robust courage, good, liberty and property.

"Under such circumstances, we ought to think of all possible means to secure ourselves against a deluge of blood, and an universal confusion. The subversion of our constitution is such to be apprehended, if it should so unfortunately fall out, that there should be a division; and the successor, being absent, should not have a sufficient to pass the sea, while the enemy may have time to prevent all our good measures. It is certain, that those, who are not sensible of the consequences, that may attend our neglect, and the ruin of our country, as such an invasion, must either be corrupted, or very indifferent, as to the safety of their country.

"Therefore it is necessary, that the presumption here should be always established in England, And it would be ten or hundred, or more our lordships proposed for his majesty to what was settled; the law is gone, than so be at the charge of a war, to recover his right, and our own liberties, from the disorders which they then may be in. This may not be a great matter when we may be obliged to lay out, to bring him over, and yet, perhaps, we may not have the success we desire.

"We may well remember, that the crown paid six hundred for the expence of the prince of Orange; by which he is clear as from the danger as one fully acquainted with it, and yet it was a hundred to one, that he succeeded,

though so many were of quality, and such in strength and state, did oppose. But the expence of money is the least our majesties may bring upon us, in religion, laws, and liberties, and all the rest.

"Your lordships further say, that we are threatened, but threaten with words, and dared with a sword since the parliament, and that if it goes against us, that we should not give any farther notice to it. I am your lordships's and do assure you, that the elections are corrupted with our unassured support, otherwise than appears in her leave to lordsships, having had no knowledge was to be proposed in her house I am not content that made. But since you had already seen of the design, I do the more say that this motion was not made by those belonged to the Court. Hence it is more fully for her majesty's interest, as well of the nation, that the presumption be established in England.

"You could not but have had a pretence enough, that it came from men you did like; and we have no reason to think we would not have been agreeable to the queen, the whole nation had had before her majesty, who does every thing that can be advised for the good of Europe and of her own subjects. It is a strange notion, to think, that the presence at the Successor can ruin the nation. And it is very unlikely, and not to be supposed, that the successor (at least any of them) have in this family, who have a true sense and love for the queen, and true honour (even as themselves) will ever be a cruel confusion in England, for his presence; he must be attended by those, who might be much suspected to say, by all, who are for Protestant Succession. And it seems reasonable and unlikely in it, that I need not coach it any more.

"As to the other methods proposed by those of Jacob, for the better securing the Succession—though I have all the world for their lordships, as well as the honourable House of Commons; yet persuaded, with great satisfaction, parliament will yet think such measures sufficient for themselves, and well as the safety of others must attend. We in England, that the laws have been, which relate to the administration of strength, contained more in old times, the absence of the monarch; they are found defective. This will for another succession or we do use, that usage of Englishmen would be established in the right and law as presumption provides law in the law but that he should be made at head of the expedition, whereas the same is here. And this is more in fact, that else, since I am not supported by France, who are and title of King of England, to

great danger, and danger of the protestant settlement.

"As for the Act to secure the queen's person and government, &c. The powers which the Lords Justice are to have, for the more being, may be very great; and may be liable to being abused, if not run to the length, if they shall happen to fall into the hands of ill men. The Act being kept at a distance will not be able, in case of danger and confusion, to distinguish his friends from his enemies, since he cannot be acquainted with the nobility and gentry, whom he would have known if he had been in the Kingdom. And therefore will be unprofitable discontents both to some proper persons to join with the seven Lords Justices.

"Besides, it is very doubtful how far his orders of choice will be respected, for many processes and measures may be put in practice, a powerful skill to elude them. Who can say what men will be in the great employments, when a danger may happen? There is such the best friends to the succession may do before that some come, and those whom we call Jacobites, or others who are such in their hearts, without being known, may get into those employments. The power of the nation both by sea and land, and even the treasure, may be in ill hands: and if that happens, they may dispose of the crown and succession as they please. One single person may strip the power of all the Lords Justice and council, as it did fall out in Edward the Sixth's reign, by the subtilty of the Duke of Northumberland, to the great prejudice of your lordship's family. And this hath often happened, both in England, and other countries, though criminals have been frequently punished.

"But such circumstances may be more dangerous in England at present, than people thought them to former ages. The happy crimes are always applauded, far from being punished. Such a single person at such a conjuncture may choose to play the game of Lewis, or that of Monk, for the false, or for the true king.

"And the case may come, in which the Pretender, with the great foreign power, and the intrigues within the Kingdom, may be able to gain more people than the Successor, being absent and destitute of the necessary supports, especially after the disclosure of the great alliance, which may justly be apprehended in several parts, as it did happen after the seizure of Cheveney and Ryegate, and as it is very like to fall out again after this war, if those efforts necessary are not taken in the Kingdom as well abroad. And if the allies do not find their security in our constitution, and in the succession.

"The Lords have made an excellent Address to the queen, to maintain a good intelligence with the States and particularly with the States General. But it is to be wished that this good intelligence may be so extended, and that such measures may be taken, that we may be always

certain of their assistance to secure the protestant succession.

"England and the States are the great support of the protestant religion and interest, and of the glory of Europe. It is undoubtedly themselves, and safety of both, always to maintain a good correspondence and true friendship. Therefore the more and closer intimacies on both sides will easily find the more propriety in present agreement, and will produce a perfect union, which must be promoted upon the obligation and proximity of such others mutual defence. England may, and ought to depend on its own wisdom and force, to defend itself; being secured and quiet at home. And we have no better the good fortune to preserve our liberties, when most other nations have lost them. But late experience has shown us how dear we may come to slavery by our negligence. And also, how necessary it may then be to refer to, and how dangerous to rely upon foreign aid, as to our own safety. We can be in no danger under her majesty's reign, and wise conduct. But we are to apprehend and prevent, in the course of our power, say it accidents, that may befall us, when it may please God to visit our good queen from us.

"Who knows what men or parties may rise up at home and abroad. We ought, therefore, the brave and war men, to set things upon the best and surest foundations. As men we ought not to erode the succession by neglecting the proper means for its security. It is true, that the pretensions of the presumptive heir both encourage and open us. But it is a mistake, that if it had pleased our friends in parliament at this time, when they were a majority, to affirm her majesty as it is, in concurrence with others; that this would have better secured the protestant succession, and our constitution, than all the laws the nation can make.

"I pray, my lord, what will our acts of parliament, our oaths, the proclamation of the Successor, and even our Lords Justice signify, if the Successor is not certain of gaining the sea, and of being possessed of the fleet, the troops, the treasure, the garrisons, the munitions, the Town, and the city of London? The world will wonder at, and we shall deplore our final blindness; if we are capable of being secured by imaginary securities, and neglect, at this time of day, what is really necessary for our safety. There are no more than colours against power and force.

"The History of England does furnish us with many examples, which show that the event hath so the crown have been often excluded from the succession to it, by their being absent at the time of the danger. We have an instance now before us in Spain, which hath cost us much blood and treasure, and is like to cost us much more; besides, what England doth, and may suffer by the loss of that trade, which was next to that of our West Indies, the most profitable to us. For if King Charles had been so soon informed the death of the late king, if

might in all probabilities, have prevented this general war; and the French king would never have attempted the conquest of Spain, if he had not had footing there before; nor the Spanish armada have dared to do what they did, if the arch-duke had been present at Blenheim. Therefore to shew the real benefit coming into England, will be a very great addition upon us. For it were mad to the destruction of, or at least, very much limited our religion and liberties. And so we ought to consider of our dangers in due time; were it very so, however, that it may not be so our power to secure the coming over of the succession. And I will only mention what has been said in England, that we are not always more of a protection ward. A thousand other necessities may befall us, if we trust to the last emergency.

"Therefore we ought now to take right measures, that the succession may be always established, and care to preserve himself of the power, whenever it shall please God to affect us with a disease. And that we may be as late exposed as is possible either to disease or treachery. The queen seems to be of this opinion, and all honest men ought, and will contribute all they can to make it agreeable and easy to her majesty. The electors, and the other princes of that family, do always prove and adhere the care that the queen takes of the interests of Europe against our common enemy; and pray for her majesty's long life and happiness. God be thanked the queen is in good health, but alas! she is mortal, and must our safety depend upon an accident, that must befall the best of mankind?"

"It is true, that the electress hath many years more than her majesty, and that the queen is in the repair of her age; and therefore, that the electress is not like to survive her majesty; but our interest and safety consists in making such provision care for all, whether the electress live or not, that the next heir may be always present, or in a condition to be so, without which, in my humble opinion, we cannot be safe, otherwise that by an extraordinary providence. My lord Haverham hath always showed himself to treat it freely to this family and the constitution of England, that I thought no man could be more proper to be advised with upon the electress's letter.

"I ask your lordship's pardon for troubling you with so long a letter; but I thought myself obliged in duty to my country, and friendship to you, to speak plainly upon this question, which touches the appearance or interest of England. And therefore I hope that all wise and honest men will take care how they decide it. I am, my lord, your lordship's, &c.

Beverly, Jan. 14. B. CURRIER.

[Continuation of letter.] After the reading of this letter, the Commons resolved, "That it was a scandalous, false and malicious libel, tending to create a misunderstanding between her majesty and the persons English, and highly reflecting upon the person English, upon the person English, and upon the proceedings of

both Houses of Parliament; that a humble Address should be presented to her majesty, that she would be pleased to give orders for the discovery and prosecuting the author, printer and publisher of the said pamphlet, and that the said Representatives should be commended to the honour and satisfaction of their country, desired thereunto."

Address of both Houses to the Queen. These lordships was only readily complied with the Commons on the 11th, but then agreed upon an Address to be presented to her majesty, pursuant to the said Resolutions, which Address they desired the consent of the Commons, who heartily joined with them, and on the next day both Houses presented the following Address to the queen:

"We your majesty's most devoted and dutiful subjects, the Lords spiritual and temporal and Commons in parliament assembled, have to request your majesty, that it takes into serious consideration a pamphlet, entitled, 'A letter from Mr. Richard Gaynes, to the right honourable the earl of Sunderland;' wherein is the following language—"That the said pamphlet is a calumnious, false and malicious libel, tending to create a misunderstanding between your majesty and the persons English, and highly reflecting upon your majesty, upon the person English, and upon the proceedings of both Houses of parliament;"—May it please your majesty, this scandalous libel being her offence, with great satisfaction dropped among your subjects, we humbly beseech your majesty to give strict orders for the discovery of the author, printer and publisher thereof; that they may be brought to receive punishment, according to the strict rigour of the law. And we pray your majesty to send orders, which shall seem proper to justice and wisdom, for preventing such insolent and dangerous attempts for the future."

The Queen's answer.] To this Address the queen was pleased to give the following answer:

"My Lords and Gentlemen; nothing more acceptable to me, than serious notice of your concern to preserve the understanding between me and the person English, and of your care to detect the author of dangerous and malicious men. I am sensible of the very ill charge of the which you have so justly accused, and am full to give the necessary despatching in the most effectual manner all you desire in your address."

"The Whigs in this proceeding themselves dupes to the court. They had so many public and private carrying on the war, that they would the queen to be at the least put out as she would have been by any hanging over the Protestant succession, all good Englishmen who had no regard to the public hardly wished, and were all

unwisely chosen, that from thence many concluded, that no Union was not sagaciously designed by the ministry, when they saw such a nomination.* For they were not looked on as men well-affected to the design, many of them

William, duke of Devonshire, steward of the household.

Charles, duke of Somerset, master of the horse.

Charles, duke of Beaufort.

Charles, earl of Sunderland.

Erskine, earl of Kington.

Charles, earl of Carlisle.

Edward, earl of Albemarle.

Charles, viscount Torrington.

Thomas, lord Wharton.

Ralph, lord Gough.

John, lord Paulet.

John, lord Somers.

Charles, lord Halifax.

John Seck, esq.

William Croxall, master of Hartington.

John Manners, master of Granby.

Sir Charles Hedges, bart. and Robert Harley, esq. principal secretaries of state.

Henry Hoyle, esq. chamberlain and under-treasurer of the exchequer.

Sir John Holt, bart. chief justice of the court of Queen's Bench.

Sir Thomas Dineley, bart. chief justice of the court of Common Pleas.

Sir Edward Northey, bart. attorney-general.

Sir Simon Harcourt, bart. solicitor-general.

Sir John Cook, bart. doctor of laws, advocate-general.

Stephen Wallis, doctor of laws.

* The Scots Commissioners were

James, earl of Seafield, lord chamberlain of Scotland.

James, duke of Queensberry, lord president.

John earl of Mar, and Hugh, earl of Loudon, principal secretaries of state.

John earl of Sutherland, John earl of Marquis, David earl of Wemyss, David earl of Leven, John earl of Smeaton, Archibald earl of Roseberry, David earl of Glasgow, deputy to the treasury.

The lord Archibald Campbell, brother to the duke of Argyll.

Thomas, viscount Duff.

The lord William Ross, one of the Commissioners of the treasury.

Sir Hugh Dalrymple, president of the session.

Adam Cockburn, of Gilmerton, lord-justice-clerk.

Sir Robt. Dundas, of Arncliffe, and Mr. Robt. Stewart, of Tibbaldine, lords of the session.

Mr. James Montgomery, one of the Commissioners of the treasury.

Sir David Dalrymple, one of her majesty's solicitors.

Sir Alexander Ogilvie, receiver-general.

Sir Patrick Johnston, provost of Edinburgh.

Sir James Spence, of Berwick.

George Lockhart, of Canewash.

having stood out in a long and firm opposition to the Revolution, and to all that had been done afterwards pursuant to it. The nomination of them was fixed on by the duke of Queensberry and Argyle. It was said by some, though these allegations did not agree with them, yet they had such an interest, that engaging them to be so, for the Union would be a great means to be agreed to in the parliament there. The duke of Queensberry, who recently concerned in the design, was thought to have a hand in this party policy, in which the event showed that measures were taken. The Scots had perceived them the nature of a Federal Union, like that of the United provinces, or the confederacy of Switzerland. But the English could have no more, in the executing or dissolving that project; for this reason, besides all others, that, as long as the two nations had two different parliaments, they could break the Union whenever they pleased; for each would follow their own parliament. The design was now to create a lasting and firm tie between the Kingdoms; therefore they wished to agree only about an interposing time, that should put an end to all distinctions, and secure all their interests; so they at last entered upon the scheme of an entire Union.

On the 20th of April, the constitutional both kingdoms met the first time in the Lower Chamber in the Court-yard near Wharfedale, the place appointed for their conference, and their commissions being opened and read in the presence, the Lord-Keeper of England, and the Lord Chancellor of Scotland, made some delivery speeches; after which it was agreed that papers of the two parliaments should be prepared and agreed by the respective secretaries, and exchanged against the next meeting, which was put off till the Monday following.

Accordingly, on the 21st of April, they all again, and the Lord-Keeper delivered: he heard the following propositions.

1. That all proposals made by either side be made in writing, and every point, when agreed, reduced into writing. 2. That points, though agreed on, shall not be binding, till they are agreed on, and reduced into writing, by signatures on either side, till all is put for rejected in such a manner, as will be put to be tried before the agreed, and the two parliaments for their approbation. 3. That there be a committee appointed, consisting of a certain number of each commission, to consider matters of what power, which cannot be settled by the secretaries in their own hands, but the order of the said committee, ought to be made report thereof to the respective commissioners, and received their approbation.

William Murray, of Pitsburgh.

Alexander Gordon.

William Forbes, of Pitsburgh.

John Clerk, of Pitsburgh.

Hugh Montgomery, late justice of peace.

David Stewart.

David Campbell, of Arncliffe.

the same. 1. That all the proceedings of the same were effected lawfully, during the time, he kept secret.

The Lord-Keeper then delivered to the board the following Proposal:

That the two Kingdoms of England and Scotland be put as it united into one Kingdom, by the name of Great Britain: that the United Kingdom of Great-Britain be represented by one and the same parliament; and that the succession to the monarchy of the United Kingdom of Great Britain, in case of failure of heirs of her Majesty's body, be, according to the limitations mentioned in an act of parliament, made in England in the 17th and 18th years of the reign of the late King William, entitled, An act for the further limitation of the crown, and the better securing the rights and liberties of her subjects."

After the Commissioners appeared to the task of the same month, when the Lord-Keeper of Scotland requested the board, that the commissioners of Scotland did agree to the preliminary articles proposed at the last meeting, for regulating the method of proceeding in this Treaty: and then he delivered to the board the following Proposal:

"1. That the succession to the crown of Great-Britain, in case of failure of heirs of her Majesty's body, should be established upon the same principles mentioned in an act of parliament made in England, in the 17th and 18th years of the reign of the late King William. 2. That the subjects of Great-Britain should for ever enjoy all rights and privileges, immunities of England, in England, and be treated as thereto belonging; and conversely, that the subjects of England enjoy the same rights and privileges in Scotland. 3. That there be a free communication and intercourse of persons and goods between the two Kingdoms, and plantation thereto belonging: notwithstanding, as, in the progress of this Treaty, shall be found most for the advantage of both Kingdoms. 4. That all laws and statutes within England, contrary to the terms of this Treaty, be repealed."

The Commissioners for England, after a short consultation by themselves, returned an Answer as follows:

"That they were so fully convinced, that no dissolution could be made of the two Kingdoms, without a perfect and lasting friendship between them, that they therefore thought fit to decline entering into any further consideration upon the proposals now made by the commissioners of Scotland, as not tending to that end, and desired, that the commissioners for Scotland would give in their Answer to the Proposal presented by the commissioners for England, under the name of Union of both Kingdoms."

The next day the Lord Chancellor, in the name of the commissioners for Scotland, delivered to the board the following Answer:

"The commissioners for Scotland being engaged by the proposal given to them by the commissioners for England, on Monday the 22d instant; and desiring, therefore, Kingdoms of Scotland and England for ever united into

one Kingdom, by the name of Great Britain: that the united Kingdom of Great-Britain be represented by one and the same parliament; and that the succession to the crown be of the Kingdom of Great-Britain, in case of failure of heirs of her Majesty's body, shall descend upon the most excellent present high and mighty and dutiful daughters of Hanover, and remain to her and the heirs of her body, being princesses, with this proviso, That all the subjects of the united Kingdom of Great-Britain shall have full freedom and intercourse of trade and navigation, to and from any part or place within the United Kingdom, and plantation thereto belonging; and that there be a communication of all other privileges and advantages, which do or may belong to the subjects of either Kingdom."

After a private consultation, the Lord-Keeper in the name of the Commissioners for England, delivered to the board this reply:

"The commissioners for England are of opinion that the promises added by the commissioners of Scotland, to the proposal made by the commissioners for England, on the 22d instant, is a necessary consequence of an entire Union; and therefore their lordships do agree to these promises, under such terms, as in the further progress of this Treaty shall be found to be for the common advantage of both Kingdoms."

The same day, in pursuance of the third preliminary, a committee was appointed for settling the Names; and there were chosen called, on the part of England, the Lord Grey; Mr. John Smith, Speaker of the House of Commons, Mr. Thomas Vernon, Mr. John Cook, and Dr. Wallis, or any three of them; and on the part of Scotland, the earl of Southwell, the earl of Leven, the lord president of the session, the lord Justice Clerk, John Clerk of Penicuik, or any three of them.

Four days after the commissioners met again, and the Lord-Keeper delivered to the board the following Proposal: That there be the same customs, duties, and all other taxes; and the same prohibitions, restrictions, and regulations of trade throughout the united Kingdom of Great-Britain. Hereupon the Scots commissioners proposed, That a committee be appointed of an equal number of each side, to adjust the several points contained in this proposal: and desired, that the English commissioners would under the account of the taxes and other things, to be laid before the committee.

The English Commissioners having proposed to appoint a committee to consist of eleven of each side, and of them six or seven power to proceed, and that they should be nominated the next morning; there was readily agreed to by the Scots, and accordingly, on the 1st of May, the commissioners proceeded in the nomination of the committee. The English named the duke of Newcastle and Duke the earl of Sandwich; the lords Trenchard, Whitmore, and others; the Scots on the 11th of May all

Commons, the members of Hartington, Mr. secretary Harley, Mr. Henry Boyle, and an Eminent Parliament. The Scots appointed the lord-chancellor, the duke of Queensberry, the earls of Bathurst, Lowrie, and Rothes, the lord Napier, the lord-presidents of the sessions, the lord-judge-clerk, and six Privy Counsellors; and it was agreed, that the commissioners should meet the next morning, and have power to adjourn themselves.

On the 31st of May, when the Treaty was pretty well advanced, the queen went to the meeting, and told the commissioners, "That she was so much concerned for the Union of the two kingdoms, that she could not easily be satisfied without coming, before the most sacred of laws, to see what progress they had made in the treaty, and to encourage very sincerely to them the bringing it to a happy conclusion, with as much dispatch, as the nature of a world admit; not doubting of the present satisfaction, which her subjects of both kingdoms would receive, in finding them to overcome all difficulties to attain so great and public a good."

When the ladies were seated at the Lord-Chancellor desired to leave, if she would hear the Proposition, made on either side, and the Resolution taken thereupon, read by the secretaries, which she allowed of, and then retired.

About a month after, the queen came again to their meeting, and told the Commissioners, "That she was come thither only more to see what farther progress they had made in the Treaty, and to press a speedy conclusion of it, in regard her interests of Scotland could not, without great inconvenience, be much longer absent from that Kingdom." Upon this, in the thirty fifth morning, on the 21th of June, the English commissioners proposed, that their commissioners of each part be appointed to draw up into form the Articles of the Treaty, upon the points already agreed, or which should afterwards be agreed. To which the Scots-commissioners having consented, the Articles were brought to perfection by the 22d of July, when the commissioners of both kingdoms agreed and sealed the instruments, and ordered, that the respective secretaries of each commission should put each other's journals of the proceedings, and afterwards enter in the journals the Articles of the Treaty of Union.

The next day, the commissioners for both kingdoms went from the Cockpit to attend the queen at St. James's, where the Lord Napier, in the name of the commissioners for England, presented to her in great awe at the request and sealed instruments containing the Articles of the Union, and made the following Speech:

" May it please your majesty,

" We the commissioners appointed by your majesty, in pursuance of the act of parliament passed in your highness of England, to treat concerning an Union of the two kingdoms with the commissioners of Scotland, do (according to our duty) humbly beg leave to present to your majesty, the result of our assented and settled judgments to that

end.—They are Articles agreed upon between your commissioners of both kingdoms, with leave or resolution upon which the said Union is to take place, if your majesty so the parliaments of both kingdoms, and that it be approved and confirmed the same.—And so we have come to an agreement on every point we judged necessary to enter into, concluding the said Union; and we have endeavored to so far into any matter we had reason to be was not so.—And although we have not merely carried the Treaty thus far, partly a conclusion, that we have done this—God, your majesty, and our country, witness; yet we are far from thinking, that we have done, nil or ought to be of weight or authority elsewhere; but do not entirely submit these our labors to the wisdom of your majesty and both your Courts, to stand or fall by the same, and public utility, on which they rest.—Your majesty's royal presence and considerable assistance to us, at the first juncture were (we most thankfully acknowledge) very great encouragement and assistance to the difficulties we met with.—Your majesty's glory is infinitely perfect; and the said work is all that is wanting, to complete it, in return the happiness of so great a step on your subjects very now, without any danger, pretend to be.—May your majesty, not only to give success to this union, blessing to all your people, but also to a long and perpetual reign over us, the immediate or near good effects of it. So for that great and most consequence, which your majesty is making, by a most cross and charitable thought, the only real progress, I mean, the union of peace and tranquillity in this island, and descent of the crown, instead of the blood and destruction which would probably upon the final division of it.—May it be happy, as never, in our days, has the times of these measures your majesty now taking for that end; but may we here, present only in that respect advantages of them."

Then the Lord Chancellor of Scotland the name of the commissioners for Scotland, presented also to her majesty the agreed and sealed instruments of the Union, on the part of Scotland, with the following Speech:

" May it please your majesty;

" The commissioners, appointed by your majesty for the Kingdom of Scotland, in the Union of your two Kingdoms of England and Scotland, have conceived and your majesty their most humble and acknowledged duty, for the honor and benefit conferred on them, in employing to represent the most important affairs of the present conjuncture to both your subjects.—We have endeavored to do this with civility, and with a willingness to lay before your majesty the

the maintenance of Union, which we have treated as a sacred and sacred duty, and which we have treated as a great and great consideration—it is a great consideration, that what we have conducted with another has been done with consistency. And we must own, that the knowledge we had of your Majesty's great anxiety for uniting the two kingdoms, and the consideration that your Majesty has been most graciously pleased to be concerned in, both would us to have, in doing so, a happy and speedy recovery, to the mutual satisfaction of the common cause on both sides; and we shall cannot but be greatly surprised, if what we have prepared be acceptable to your Majesty, and signed by the parliament of both kingdoms, without which what we have done can be of no service—the Union of the two kingdoms has been long wished for, it being so necessary for a settling the lasting peace, happiness, and prosperity of both nations. And though it has been frequently recommended by your Majesty's royal predecessors without the desired success, yet the glorious success, with which God has blessed your Majesty's endeavours for the happiness of your people, make us hope, that this great work is intended to be accomplished in your Majesty's reign."

All which, the Queen was pleased to make the following speech:

"My Lords,

"I give it many thanks for the great pains you have taken in this Treaty, and am very well pleased to find your understandings and applications have brought it to so good a conclusion. The particulars of it seem so reasonable, that I hope they will meet with approbation of the parliaments of both kingdoms. I wish therefore, that my servants of Scotland may be so true in giving down to propose it to my subjects of that kingdom: and I shall always look upon it as a particular happiness, if this Union, (which will be so great a security and strength to both kingdoms) can be accomplished in my reign."

The same day, the queen being in council, an Order was made, requiring that whosoever should be concerned in any treason or rebellion, or in any other manner refusing to the Union, should be prosecuted for such their offences, according to the strict rigor of the law.

The Lord Treasurers had the chief hand in preparing the scheme of the Union, one which all the considerations of the English nation were directed to. The advantages, that were offered to Scotland in the whole frame of it, were so great and so visible, that nothing but the consideration of the safety, that was to be procured to the Kingdom, could have brought the Union to be agreed to a project, that, in every view of it, was much more favourable to the Scots alone. The Scots were to bear less than one fourth part of the public taxes. When the billings in the pound were levied on the Scotch, amounting to 2,000,000 Scotland was to be taxed at 40,000, which was the sum of the Scotch, whereas the English, which they had been accustomed for some years to pay, and which, they said, was all that the nation could bear. It is held a maxim, that, in the framing of a government, a proportion ought to be observed between the share of the legislature, and the burden to be borne. Yet in return of the fourth part of the burden, the Scots were to have a very large and valuable part of the legislature. For the peers of Scotland were to be represented by sixteen Peers in the House of Lords; and the Commons, by forty-five members in the House of Commons; and these were to be chosen, according to the methods to be settled in the parliament of Scotland. And since Scotland was to pay customs and excise on the same foot with England, and was to bear a share in paying much of the debt, which England had contracted during the war; 240,000 was to be raised in England, and sent into Scotland, as a equivalent for that, and this was to be applied to the redeeming the money, that all ought to be of one denomination and standard; and to the payment of the public debts of Scotland, and repaying to the African company all their losses with interest, upon which that company was to be dissolved; and the surplus of the equivalent was to be applied to the improvement of manufactures. Trade was to be free all over the island, and the plantations, private rights were to be preserved, and the judicatures and laws of Scotland were still to be continued. But all was left, for the future, under the regulation of the parliament of Great Britain; the two nations now were to be one kingdom, under the same constitution in the crown, and under one parliament. There was no provision made in this Treaty with relation to religion; for in the acts of parliament in both kingdoms, which empowered the queen to make innovations, there was an express limitation, that they should not consist of those matters.

This was the substance of the Articles of the Treaty, which when they came to be laid before the Parliament of Scotland, met with great opposition.

The *Scotsman's Express*. May the tenth. The duke of Marlborough set out for Holland; and August the 13th, he obtained a complete victory over the French, commanded by the duke of Berwick and marshal Villars, at Ramillies; which was followed by a general Revolution in the Low Countries in favour of king Charles.

In Italy, scabbed by a loan of 250,000*l.* from England, prince Eugene, after thirty four marches to join the duke of Savoy, offered battle to the French, who had order to Turin; and after two hard engagements, in which the marshal Morda was killed, and the duke of Orleans wounded, easily defeated them, seized

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on their camp, tents, baggage, &c. and retired that night.

In Spain, King Charles was closely besieged in Barcelona, by the marshal de Bleser by land, and the count de Toulouse by sea; but was most opportunely relieved by the gallant earl of Peterborough under John Leake; the count de Toulouse not staying till the English fleet appeared in sight, and the marshal de Bleser decamping with the utmost confusion a few days after, and leaving his ammunition, stores, tents, and arms behind him, and wounded men, at the mercy of the enemy.

SECOND SESSION OF THE SECOND PARLIAMENT OF QUEEN ANNE

The Queen's Speech on opening the Session [December 3, 1706. It was the general opinion, and perhaps the first resolution of the court, that the parliament of England should sit at, till that of Scotland had finished the affairs of the Union, but, that drawing into a great length, and the queen's continuance not admitt'ing of delays, the parliament of England, which on the 21st of November, had been further prorogued to the 28 of December, met this day at Westminster; and the queen, being come to the House of Peers made the usual solemnity, made the following Speech to both Houses:

"My Lords, and Gentlemen; I hope, we are all met together at this time with hearts truly thankful to Almighty God for the glorious successes, with which he has blessed our arms, and those of our Allies, through the whole course of this year: and with serious and steady resolutions to prosecute the advantages we have gained, till we reap the desired fruit of them, in an honourable and durable peace.—The goodness of God has brought this happy prospect so much nearer to us, that, if we be not wanting to ourselves, we may, upon good grounds, hope to see such a balance of power established in Europe, that it shall no longer be at the pleasure of one power, to disturb the repose, and endanger the liberties, of this part of the world.—A just consideration of the present posture of affairs, of the circumstances of our enemies, and the good disposition of our Allies, must needs excite an uncommon ardour, and animate us to exert our utmost endeavours, at the critical conjuncture.

"Gentlemen of the House of Commons; As I am fully persuaded, you are all of this mind; so I must earnestly desire you to grant me supplies, sufficient for carrying on the war next year in an efficient manner, that we may be able to improve every where the advantages of this successful campaign. And, I assure you, I shall make it my business to see all you give, applied to those ends, with the greatest care and management.

"My Lords, and Gentlemen; In pursuance of the power, vested in me, by act of parliament, passed, both in England and Scotland, I have

appointed commissioners, to treat of an Union between the two Kingdoms: And though, for a work of such a nature, we could not be attended with great deliberation, yet such has been the application of the commissioners, they have concluded a Treaty, which is at this time before the parliament of Scotland, and I hope, the mutual advantages of an Union of the two Kingdoms will be too apparent, that it will not be long before I shall have an opportunity of acquainting you with the success which it has met with.—Your meeting at this time being late in year, I cannot possibly, without nearly inconveniencing you to give so much dispatch to the public affairs as the nature of this subject, it being of the greatest consequence, that both our friends and our enemies should be fully convinced of your firmness, and integrity of your proceedings."

The Lord Archbishop [Dec. 4. The Lords presented the following Address:

"May it please your majesty; We, your majesty's most dutiful and obedient Council, the Lords spiritual and temporal in parliament assembled, with hearts full of joy, beg leave to congratulate your majesty upon occasion of so many great successes obtained by your majesty's arms, and those of your allies, in all parts during this wonderful year. We could desire for any thing more glorious, than the opening the campaign by the ever-memorable victory gained at Ramillies, under the conduct your majesty's wise and valiant general the duke of Marlborough; and nothing more reasonable, as the close of the campaign, than the complete victory gained by the duke of Berwick and prince Eugene, before the city of Turin. The disastrous consequences of two battles made it reasonable for your majesty to disguise their losses; and desire that the world, that never any general better stood how to make use of their success. If we, your majesty's subjects, should that loss is our grief, towards your majesty's advantages which the duke of Prussia has given to your majesty and your allies, should show ourselves unduly sensible to your majesty, and our country, and the continent of Europe.—We cannot sufficiently express our pleasure and satisfaction of you, upon the public declaration of your majesty, in concert with the States made to the ministers of the other European powers, 'That no negotiations of peace be entered into, but in conjunction.' The Members of the Grand Alliance, generous as they well prove the dangerous practices of the common enemy, put a stop to clandestine and surreptitious, and must not only remove all prejudices from the allies, but create a lasting confidence and reliance on your majesty and justice.—Your majesty's example to the States General, ought to be followed in other allies with a noble emulation of

of the nation. If any of them has been
in the past, we hope your majesty
will be so good as to let them see, that the
good they can make to the crown
by doubling their efforts in the
service.—This will be the most way
to give a peace to all good men desire;
and to give to your majesty's subjects
a peace and contentment; may secure the
unity of Spain to King Charles the
Fifth, and the such a favour for the States
General, as these society we must always
think the interest of God's kingdom is engaged; as may
be to their just satisfaction; and may procure
such terms and conditions for all the cities, as
may be just, safe, and reasonable. Such a
peace may be desirable and lasting, by re-
turning absolutely the constant peace of a
peace, whose restless ambition nothing could
study, and who has always despised the obli-
gations of the most sacred leagues and treaties.

"Most gracious sovereign, The crown must
be made our most absolute acknowledgments,
our universal happiness under your just and
disposition, of your true and to the satis-
faction of all the church of England, of your
majesty's due administration of justice,
and your tender regard for the properties and li-
berties of your people, but, in particular man-
ner, we must not with all gratitude, your ma-
jesty's wisdom and foresight, as well as your
clemency, and your royal clemency, to bring to
the state and complete peace of your ma-
jesty's church of England and Scotland. May God
bless and make these your glorious days in-
crease; and may your majesty long reign over
us, to see the happy fruits of them, in the
peace, unity, wealth, honour, and flourishing
of your majesty's united people."

The Queen's Answer. Her majesty's An-
swer was as follows:

"My lords; I am very much pleased with
every expression of your affection for my
person, and of your zeal for the common cause,
in the second part of this Address, which
is truly to me satisfaction, and I never re-
joice to find it has its just weight both at home and
abroad.

The Queen's Answer. The Address of
the Commons was as follows:

"Most gracious Sovereign, We, your majesty's
most humble and loyal subjects, the Commons
of Great Britain, do, with your majesty's
most humble thanks for your most gracious speech
to the House—And, with all thankfulness
and joy, do, in comparison your ma-
jesty's in the usual victory obtained by your
majesty's forces, under the com-
mand of the Duke of Marlborough, at Blenheim,

and elsewhere, and your in the com-
mon and united with such concerted suc-
cess, by the noble courage of your majesty's
troops, and your royal majesty's
command, that are now and good dis-
position on the war with Spain, as the
of England was determined, that no

opinion pretenses of peace shall divert them
from their steady resolution of pursuing their
majesty to improve, in all places, the advan-
tages of this successful campaign.—The repre-
senter your Commons have had of the present
administration, and the great care and manage-
ment in the application of the public moneys, en-
courage us to continue your majesty's trust; and
will cheerfully give such speedy and effectual
supplies, as, in the continuance of God's bless-
ing upon your majesty's arms, may establish the
balance of power in Europe, by a safe, honour-
able, and lasting peace.—We beg leave like-
wise to return your majesty our hearty thanks,
for your promoting the Union between England
and Scotland; whereby your majesty shows
your great clemency and tenderness, not only
for the persons, but the future happiness of
both Kingdoms."

The Queen's Answer. The Queen gave the
Answer:

"Godness, I thank you heartily for this
Address, and the assurances of giving me ef-
fectual supplies to carry on the war, and to ob-
tain a safe and honourable peace.—I am glad
to find, you are so well satisfied with the appli-
cation of the public moneys.—As to the union
of the House with Scotland, as to all other
things, I shall still be desirous to promote the
present and future happiness of my people."

Thanks given to the Duke of Marlborough.
Day 3. The Duke of Marlborough being then
in the presence, and in his place in the House of
Peers, the Lord Keeper gave him the Thanks
of the House, as follows:

"My Lord Duke of Marlborough; I am
commanded by the House to give your grace
their Acknowledgments and Thanks, for the
victory which you have done, upon the last
instance of parliament, to the majesty and your
country, together with their confidence, in
the just and necessary war, and though your
former success against the power of France,
which is remained victorious, give most reason-
able expectations, that you would not fail to
improve them. yet what you have so well per-
formed; but complains, for the increased mil-
lions, even of such as were the most affection-
ate and partial to their country's interest and
your glory.—The advantages (I use the honest
expressions for every thing) which you have
gained against the enemy, and in such a manner,
so conspicuous in themselves, and so indisput-
ably being in your courage and conduct, so
valour and so meritoriously in their dis-
position to the whole conference, that to at-
tempt to adorn them with the colouring of
words, would be vain and unnecessary; and
therefore I declare it, the rather because I
should certainly offend that great assembly,
which alone can, and alone add a laurel to your
actions, and which, in your grace's example,
has successfully withdrawn its great laurel, as
that virtue has met with no any instance what-
soever.—Only I beg leave to say, that if any
thing would have your grace to reflect with
such satisfaction on your own merit, it would

defray the proportion of the Scheldt payable to the Master Palatine. 7. That 50,000*l.* be granted to defray the proportion of the Charge of 5,000 men sent to the assistance of the duke of Savoy.* 8. That 445,000*l.* be granted for defraying the Charge of maintaining 30,000 men, part of her majesty's forces, to be employed in Spain or Portugal, and for the general officers, contingences, hospital, forage and baggage-money, and for the garrison of Gibraltar, and for general officers serving the King of Portugal, for the year 1703. 9. That 185,000*l.* be granted for defraying the Charge of maintaining 6,000 men (soldiers) through- out he employed in Spain or Portugal, and for the general officers and Contingences, for the service of the year 1703. And lastly, 10. That an humble Address be presented to her majesty, That she will be pleased to give order, that the Treaty with the King of Prussia in the year 1700, and also the Treaty with the Landgrave of Hesse-Cassel, may be laid before the House.

JAN 14. Mr. Secretary Harley had before the House, by her majesty's order, the Treaty for repatriation of the Prussian troops, signed November 25, 1700. And also, the ratification of the Treaty for the march of the Hessian troops to Italy, concluded May 20, 1702. The consideration of these was referred to the grand committee for the Supply. And on the 18th the Commons ordered the Commissioners of Trade to lay before them those a State of the New-foundland trade, as relates to the fishery. And Mr. Secretary Harley presented to the House a Representation from the Lords Commissioners of Trade and Plantations, relating to the trade with Rappers. And extracts of letters from Mr. Stanyan, her majesty's Envoy at Brussels, relating to trade: The consideration whereof was referred to the committee for the whole House, who were to consider of the Trade of the Kingdom.

The House adjourned, until to have been expended for the Safety and Honour of the Nation,] Jan 21. A motion being made, That the several sums of money for the extraordinary services for the year 1702, which had been agreed to by the House, had been advanced and expended for the preservation of the duke of Savoy, for the interest of King Charles the 6th in Spain,

against the common enemy, and for the aid and recovery of the nation. And the question put, That the petition be agreed to was resolved in the affirmative. The main question being put, it was carried by majority of 220 voices against 100.*

Debate in the House of Lords, on the 14th of February, 1703, before the Lords, on the Duke's way to send 4,000 men to the

10. The Earl of Nottingham, argues—

* "The grant of the Supplies sent to the duke was voted. There is a vote and petition, to which great objections were made. They great and early success of the former was not it was thought necessary to follow in, as other projects, that drew on a great expense beyond what had been estimated, and so to lose the parliament. As indeed, . . . he engaged against France, and afterwards to Portugal; and the extraordinary sum that the duke of Savoy's affairs cost him amounted to about 400,000*l.* more than had been provided for by parliament. I am not pleased of this, and said, that if a man could draw out the nation into a great step, and expect that the parliament was going to oblige, this might have very ill consequences. But to this it was answered, the money deserved public thanks that had followed our advantages, with such regard to things were raised without secrecy, as displayed under the presence of serving the public, it was very reasonable to suppose it a vote let it still hang on there, who were not let. But if no other expense but to it, that cause the matter could not be foreseen, communicated to the parliament, till after the accident happened, that occasioned this grant, it was a very agreeable circumstance. The matter were to be quarrelled with, I am sure and not; So it was carried by a majority, to discharge this debt. All these Supplies, and money sent the duke of Savoy, Scotland, were given, and lodged in funds: So that no account of parliament ever entered in much, and seemed to be all that had done." *Speech.*

† "Duke, the son of George Duke of Nottingham, was born in 1667, and educated his father in his bankers and money. On the death of Charles the 2nd, he was one of the privy counsellors who were ordered for procuring the duke of York as a hostage from the court of Spain. When the convention met on James's abdication, he was the proposer of the petition in favour of a request setting up another king: yet he was of course made, he would be raised less than those who made him: and according to their own principles, James and Mary were advanced to the throne though he declared the office of king: he drops that of secretary of state, &c. again, he appeared after the accession Anne, when both Lords and Commons

* "All things were very quiet in parliament all the Christmas holidays, but the debate of that rare produced fresh glory. The first attack was in the committee of supply, where a demand was made for more hundred and odd thousand pounds advanced to the duke of Savoy and prince Eugene, expended on my lord Robert's expedition over and above the Supplies given the last session of parliament: they carried this so far that they voted a grant upon the treasury for it, it was a long and warm debate, and upon the division was carried it in favour of the service, 373 against 105." *Lower House History in Henry Walpole, Feb. 12, 1703-4. Carr's Walpole, vol. 2. p. 5.*

both kingdoms had been upon the sword since the accession of King James I. to the English throne; and as it could not be expected that so readily a matter, which cost up so much

an age when pleasure was more or less than business, he prosecuted his studies and the attainments of disputation, and in making his way to military honours and civil dignifications, was aided by his sagacity and literature, being first cultivated poetry, in which he must have been early considered as skilful, if it be true, which is reported, that he composed some religious Epithes to the laud. At the accession of James the second, with whom he bore great familiarity, he was admitted into the privy-council, and made lord chamberlain. Though he was an ardent supporter of that house, he was "apt to comply with any thing that he thought might be acceptable." In the Revolution he supported, though he did not promote it. When the crown was settled upon William and Mary, he voted for the conjunction of parliaments. This was granted king William, yet, contrary to the king's desire or his own consent, he lived some years without favour. But in 1694 he was made marquis of Normandy, and soon after obtained a pension of 2,000*l*. When Anne succeeded to the throne, he was made lord privy-seal, duke of Normandy, and then of Buckinghamshire. Soon after, becoming jealous of the duke of Marlborough, he resigned the seals, and having been become, built that house on the "Queen's Park" which is now the queen's, upon ground granted by the crown. On the accession of George the first he became a constant opponent of the court, and having no public employ, is supposed to have engaged himself with writing his two tragedies, "Julius Cæsar," and "Marius Brutus." He died Feb. 24, 1722, and was buried in Westminster Abbey, where a monument is placed to his memory, with an English writer by himself.

" His character, says Dr. Johnson, is not to be supposed unworthy of imitation. His religion he may be supposed to have learned from Clarke, and his courtesy was such a naturally proceeds from lower opinions. His statements with respect to women he picked up in the court of Charles, and his principles concerning property were such as a gentlemanly supple. He is said, however, to have had much tenderness, and to have been very ready to apologise for his violence of passion. As a statesman, says Dr. Anderson, he is characterised by a steady attachment to Tory principles of government. As a country he is distinguished by personal dignity, gracefulness, and good breeding. As a poet he has been rewarded by Drakes, Gards, Price, Ashmun, and Pope, but this praise is more of a critical newspaper than the praise of Dr. Johnson, Dr. Baileys, and Lord Oxford, where a writer in the New York Spectator has said with justice, ' There is no poet, and no important thing is likely to be so common, and thus naturally may every one

time and labor. Before, 25% of the time was spent on a few days, then

The Local Health Director's

² and women of unmarried families. Noble brothers, enlarged by 10. 11.

"He has been in the army since 1878." The date of Boecking's
 ideas of learning and good sense
 of his principles. "And for the
 yet nothing as to it. Very good
 and courteous, and takes all advice
 giving his duty, everything; and is
 a most able soldier. The approach
 good interest in every, it is getting
 him, as well as those of Parliament, as the
 example, like a-of a moral nature, of a love
 simplicity, with a more, holy soul."
 in of the Court of Great Britain, in 1878.

[illegible]

man in one Parliament, just as unreasonable as if one made the application and declaration were made in a subordinate, as to the person of a Sovereign, which is a kind of state liability.

"I would not, my Lords, be misunderstood, as if I were against an Union. A United Union, an Union of interest, an Union in Succession is what I will be always for; say, when I see whether a people, inhabiting the same island, speaking the same language, and having the same religion, should be under one and the same laws of policy and government, I cannot see how any man could be against it, but then matter of a quite different nature, is it, whether two nations dependent in their sovereignties, that have their distinct laws and interests, and, what I cannot forget, their different modes of worship, church government and order, shall be united into one kingdom — An Union made up, in my opinion, of so many mismatched pieces, of such jarring, incongruous materials, that should it ever take effect, it fear could carry the necessary consequence of a waning power and force, no less on both falling number, and breaking in pieces every member. For, as my Lord Bacon well observes, (where I take to have been a very great case, though sometimes the matter got the better of the philosopher) an unity, made so, that is parcel up by a direct violation of nature in the kind essential parts of it, is like the torn of Prometheus's image, which were made of iron and clay; they may cleave together, but can never incorporate.

"Another reason why I am against an incorporating Union is for the sake of the good old English constitution justly allowed to be the most equal and best poised government in all the world, the peculiar excellence of which lies in that well proportioned distribution of power, whereby the greatness of the monarch, and the safety of the people, are at once provided for, and it is a maxim in all policy, that the worst way to preserve any government, is by a more adherence to its principles, so that whilst this balance of power is kept equal, the constitution is safe, but who can answer what alterations we give it might, as every one Scots members and those too retained by a Scots parliament, when thrown into this balance, may make?

"Besides, my Lords, I must own I am especially sensible of the promise, and how not less a real merit is derived hereafter, or what after-taste of pleasure it may think to be made, it is evident, by the two and twentieth Article, that above a hundred years past, and as many centuries, we were led from state and ruling in the British parliament, who perhaps awake the sight as being no more or two ago, as any of your lordships do now; for they had no more than 15 members, of voting three, as my earl told us that House has at voting here, and this is the case, as well as at present, and I will venture to say by the fundamental laws of their kingdom, by Union of Rights, and

act of parliament, which made it impossible to make any alterations in the structure of the kingdom; and yet have not they lost their rights? And what can security has any thing at England, by the laws of the land, to be right and privilege of passage, that there has had not? My lords the bishops have not been voted out of this House by the commons but already, and who knows what might may come hereafter? I will venture up the doctrine of the church of England, and at the same time own myself to be a conformant. But if, my lords, the bishops, all revoke their own votes so far as to give the two great points of episcopal order and confirmation, if they will agree to make the act for securing the presbyterian government in Scotland, as the two points of religion and party of worship, they go up that which has been intended for them and the presbyterians there, they will find which I will undertake to prove, that the bishops, has been detected to be guilty and heretical even in the church of England. I hope, when it is proper to be will please to give some light to this dark and intricate question, that I may not appear in any thing as the matter.

"There is another reason why I am against this Union, because I cannot think it an one Union, the exempted Article, I was the twentieth Article, whereby heretics of our and superstitious are married, with the one and twentieth; both which Union, by an act of state, was so was granted especially these not for securing their presbyterian church government, and good laws, even to us like those holy churches were, calm manner's day, that are given the words and structure of apprehensions and therefore, I do rather take notice of these, because though the Articles of Union are made by the Scotch parliament, yet in both and body of that nation seem to be against them. Have not the members of the people there been as loud as to all the nation? And so bold too, as to reach into the doors of the parliament? Has not parliament itself thought fit to repeal the beloved clause in the act of security, for saving their people during the union? Has not the government, by advice of parliament set out a proclamation, which I just before my own hand, pardoning all dangers, blood, mourning, &c. that is committed upon who are forced in any manner there, changing all prosecution for the future? Do not mention this to find fault with it, that is done in Scotland, but only in the face of your lordships, that when such an act is done on us that is not met by advice of law, and cannot say the first when we know that, upon any occasion, if it be but to grant a complete bill may be read three times in our parliament, without a very great loss of time as very speedy an application.

cannot what we desire, I mean their being made the most free of intercourse with us, and joined without this Union? In short, I think, I think, an incorporation; Union was a dangerous experiment to both nations, in which it was happy to be mistaken, and so may think of curing things hereafter, the error is irretrievable.

My lord, this is the last time that I believe I shall ever trouble your lordship in an English parliament, give me leave therefore to say but one word. In two Charles the Great's sons, the Cavaliers were the persons that corrupted their laws, and put their names to serve him. And in King Charles the second's time they were forged, as I believe. At the Restoration, the parliament went to restore him that as easy to a slave, and none were more prosecuted in his reign. Towards the latter end of that reign he looks down on the bill of Exclusion, and long hours put them into the Tower. At the Revolution, the Londonderry men, &c. were the persons that made the first bad motion against King James in Ireland; and I myself have had some of them at my own table, when they were sitting with the greatest commendation and presence in their pocket; which I have seen under King William's own hand. In this reign, every body knows who they were that made their most constant court to King James, and we are sitting here they are still present.—Now there is a great deal of difference in Union, I wish from my soul that the attempts may attend it, of tranquillity and order, power, peace and plenty, as is intended by it, but yet it is possible some may be mistaken, I don't say they will ever repent of it, but I will take leave to say what I have observed in this place, that what has been said is.

The debate being over, the question was put, Whether the consideration of the first Article of the Treaty of Union should be postponed until the other Articles had been considered? But the question passed it by a majority of 11 yeas against 10. and so the first six Articles were read and approved, and the consideration of the rest adjourned to the next, when the Lords resumed the consideration of the Treaty.

The Lord North observed, with relation to the north America. The sword and au-

equal proportion Scotland was to pay to the land-tax, saying, that Wales, as poor a country every where, and of a much lower extent, paid to the full as much again, and yet is not much more than half the representation to parliament, which were granted to Scotland, and for that reason his lordship said, he could not agree to that Article.

He was answered by Lord Mordaunt, that the number of representatives was not so grossly, as that there was the majority of Cornwall in England, that paid not near so much towards the land tax as that of Yorkshire, and yet was almost the same as every member to parliament as the latter did. That it was very true the quota of Scotland was very small and unequal, in comparison to what was paid in England, but that the English commissioners could not induce the Scotch to agree in any more, upon account of several irregularities on their side; that we could not expect to reap the like advantages as were Article in the Treaty; and that if they had the benefit of us at home here, we were infinitely overcompensated by the many advantages which did accrue to us from the whole.

The House divided upon the Article, there being 52 yeas against 14, against the consideration, and so having run over the four following ones, the consideration of the rest was further adjourned to the next, when (the quorum being present) the debate chiefly ran on the Eleventh Article.

The Earl of Nottingham observed, a composed of two parts, viz. a certain grant of money, and the application thereof, in reference to which he said, That it was highly unreasonable, that the Scots, who were by the Treaty let in to all the branches of our trade, and paid so little towards the support of the government, and of a more expensive and bloody war, should moreover have an equivalent of 200,000*l.* given them for coming into that Treaty. He assumed much upon that argument, and took notice, as to the disposal of the equivalent, that that part of it which was given to the Dutch company, was so ordered, as that it might be swallowed up by a few persons, without any

carefully distinguished himself as Disbrow, where a single hand was shut off. In the reign of George I he was restored to the Tower, on suspicion of treason, with the date of New York, but up Anthony, and Dr. Lancelotti. After his release he retired to Spain, and entered into the army of that country, with the same rank he had held in the British service. Lord North died at Madrid, October 31, 1724, and left no issue by his lady, Maria Margareta, daughter of St. Elmo, representative to the Prince of Holland Charles, his only brother, died unmarried, at the siege of Lisle, and the name of Grey, of Rolleston, became extinct. That of North, of Carthage, descended to his eldest relation, Francis Lord Guilford, who was afterwards created an earl by the same title." *Noble's Constitution of Great Britain.*

William North was born December 23, 1671 at Lincoln, on the death of his father, in 1699, he took lord North, and when Lord Grey, of Rolleston, died, he took his place in the House of Commons in January, 1704. In the reign of Queen Anne he was appointed lord lieutenant of the shire, governor of Portsmouth, and a member of the privy council; but his conduct was his military conduct, and he was, with great honour, under the command of Marlborough, he was appointed lieutenant general of the British forces; and particu-

particular regard to the indemnifying every private sufferer in that unhappy enterprise.

The Lord Halifax answered, That the Exchequer could not be looked upon as a gift, but as an actual purchase of the house revenues and estates, which by that Union, were to be applied to the payment of the debts of England; and that they were not to be managed by it, then we were here by the sale of annuities at 15 or 20 years purchase; That as to the disposal of the money, it being their own, it was but reasonable that they should have the liberty of applying the same, as they thought most convenient, the English commissioners being no ways concerned therein, whose care, nevertheless, and great diligence had been such, that they made provision that it should not be disposed but by certain commissioners who should be accountable for the same to the parliament of Great Britain.

Their Lordships then proceeded as far as the 18th Article, adjourned to the 20th, when (the Queen being still present,)

The Earl of Dorset, on the 20th Article, acquainted their Lordships, That himself having an amiable office here in England, by long perpetual study of the equity of the law, he would be glad, with their Lordships leave, to have the opinion of the Judges, about the proposition of that his right, there being no provision made in the statute for lordships out of England.

The Lord Chamberlain (Marquis of Lindsey) answered him in that manner, saying, He had the honour like one of his right hon. brether's office, as it is thus in question, about the proposition whereof he had the very same doubts and scruples with the noble peer that spoke last; whereupon it was agreed, that the Judges should deliver their opinions about it, which they soon after did, from the same Judges, to the Lord Chief Justice, whose answers were sent the same, with what they had declared to the House, to be their opinion, with respect to that Article.

The Earl of Rochester, after reading the 21st Article, called, He looked upon it as necessary, constitutory to, and inconsistent with itself, that there were 16 Peers to be returned to the House of Lords in the Parliament of Great Britain, who were possessed no more than being all peers by right of inheritance, they were nevertheless made here elective, he took to be dividing them of their Privilege because not being always elected to every parliament of Great Britain, they consequently were here, when left out, the Lords or sitting in parliament, what was ever intended as inseparable a part of the Privilege that the rest of the nobles of Scotland, to the number of 16, were thereby manifestly injured, and that, for his part, he considered very much, how the Peers came to accept of such unreasonable conditions, or how their lordships could entertain the thoughts of purchasing such peers by electing or not electing them.

The Lords Nottingham, North, and Grey, very much reflected on this topic. That as one might very well suppose, Scots Peers would be such as were, at least, a very prudent and dangerous enemy to the church of England.

The Earl of Wharfedale replied, That the said petitioners were not all the same, and yet there was a reason to fear, that they also be very well disposed for the church of England, and stand up in its defence; whereas there were even some among their lordships who would not stand for the church of England, and yet declared themselves to be its true and genuine adherents.

The Lord Haverham, rightly judging himself hated as by that noble peer, stood up in the House, when he was warmly and somewhat emphatically, (in which expression he appeared somewhat provoked,) to him having made a long association on the speech order, which he took to be the business not conformable to primitive Christianity, and so less commendable to all the English Churches abroad, and so the last of them such, in particular, which he said, was the Protestant Church.

The Bishop of Bath and Wells, after having paid a few words to their Lordships in answer, and saying that if he spoke a part of the way, he was under this necessity declared, That, for his part, he was always against the Union, which he could not say all his lord had been complained to have years ago, because, said he, all the time and discord which were likely to ensue, would by this time have had their end, that he could no longer compare it, then the mixing together wrong liquors, of different nature, in one and the same vessel, who would go on to be better answer to the former Generation. That in their time was always, not used the dead weight of the House, as these ancient Peers being so near to them, would more effectively resist, especially in any future deliberation about the church, towards which they would not be supposed to be well affected, and that he was heartily of opinion, that some provision might be made for debarring them of their vote in any church matter that should here come in question.

The Lords Somers, Halifax, and Grey, made very pertinent Arguments to that purpose, after which the debate ended in adjournment of the House, there being 71 for the 21st Article, against 29 and 10.

After reading the last Article,

The Earl of Arundel asked that the Opinion might be asked, what business might be proposed by the Union, and what business in fact, but that motion was rejected, which

The Earl of Nottingham stood up to get their lordships paid for having been there almost to every Article, upon

" Dissenters. Banbury, Buckingham, North and Grey, Angleson, Winchester, Northampton, Abingdon, Nottingham, Hereford, Glo. Bath and Wells, Thurst, Granville, Maxwell, Gower, Weymouth, Oxford, Leigh."

Protest against the Ratification of the Union] Thus the question was put, Whether this Bill should pass? Which was resolved in the affirmative, by a great majority. The peers who asserted their dissent were those that follow—

" Dissenters. Nottingham, Angleson, Thurst, Winchester, Northampton, Hereford, Weymouth, Gower."

" Because the constitution of the Kingdom has been so very excellent, and therefore justly applauded by all our neighbours as so many men, that we cannot conceive it prudent to change it, and to venture on all those alterations made by this Bill, some of them, especially, being of such a nature, that, as the inconveniences and danger of them (as our humble opinion) is already too obvious, some think it more proper still to dissent to avoid entering farther into the particular apprehensions we have from the passing of this law. (Sighed.) Banbury, Buckingham, Banwell, Oxford, Granville."

The Bishop of Oxford's Speech in favour of the Union] During the debate on the Union,

The Bishop of Oxford (Dr. Talbot) made the following speech:

" I do not more easily propose upon petition from my lords, for my taking up their vote as a debate of this consequence, because I have not often stood in need of it, by offering in this kind; and because I think I am now necessarily called up by the noble lord that spoke last but one. It is indeed no new honour that lord has bestowed upon this bench, I have too often had occasion to observe, with a great deal of concern as if we sat here on no other terms than the judges do, to be called up at pleasure, and many times with questions that carry (to say no worse) very unkind insinuations or aspersions."

" I need not go back for instances further than the time at this hall's coming into the House. One noble lord, in the debate on our bill of security, was pleased to direct himself to us in words to this purpose—' If the reverend prelates do not believe the religion of the church of England to be the purest and most agreeable to the scriptures, will her constitution and government ever conformable to the

' primitive church. If they that maintain
' as my religion have taught me wrong, if
' have changed their opinion, let them tell
' us, let them undeceive us.' And that noble lord, in a speech, with which the world has since been obliged to print, was pleased to say, some honest words—' If my lords themselves
' will consider their own many very great and
' two great points of episcopal authority and
' confirmation; if they will approve and
' the act for securing the Presbyterian church
' government in Scotland, as the true presbytery
' religion and purity of worship.' And the noble lord that called me up started, ' there could not be two true religions; if the
' of Scotland be true, ours cannot be so he
doubted, for the sake of the bishops, that part of the Scotch act might be directly read, whereas they call their presbyterian religion the true religion and purity of worship, as we believe ours to be the true religion, we dissent to such a proposition."

" Now, my lords, surely my indifference may judge, that there is no duty or more emphatic words than, as if we of the bench had not that real love for episcopacy we ought to have, as if we were more tenderly inclined to those churches, that have no equal ordination and confirmation, that I should be, as if supposing we had a due opinion of the constitution of the church we held contradictory, by giving our consent to them, say as if we were regardless of the discipline episcopacy might be exposed to by presbyterianism, for as one of my noble lords says, bishops have been since voted out of the House by the temporal lords, and who knows what question may come hereafter."

" I shall long have to receive my commission, and shall first answer directly several heads of this charge. As for episcopacy, there is no man breathing here a minister, or a juster value for that profession of church government than I here express my opinion of it, not in the words of bishop or particular doctor, but of the herself, in her preface to the office of canon, which is made the law of the land by act of Uniformity. Her words are, and in my opinion, ' That it is evident to every
' diligently reading the holy scriptures
' most certain, That there have been
' church, from the apostles times, the first
' days of bishops, priests and deacons,
these reformed churches which have no
copy, I must distinguish between
what is necessary, and those that are
a open choice. As to the former, my
is, that it is necessary to confirm
if they wanted lawful pastors, or had
instruments rightly administered. And
now I shall back with a very good
that of the university of Oxford, who
hasly wrote in answer to one of
Gower, these words: ' Loquitur
' ecclesia, sancti ecclesiam dei
' apostolica lege a primatu separata

Printed for A. Baldwin in Warwick Lane, n. o. 1710

" Dr. William Talbot, a native of Lockford, was educated at Oriel College Oxford, where he entered 1674. The interest of his mission the earl of Shaftesbury opened for him the door at parliament, and he became dean of Worcester 1684, bishop of Oxford 1689, of Sarum 1713, and six years after was translated to Durham. He died in 1730. He wrote sermons, which have been published in six volumes too." *Leopold.*

However needless and contradictory these objections are, there are those who are called enough to spread them abroad, and those who are sensible and shy enough to retract them.

"As far myself, it is a little thing to say, that the religion of the church of England is that I received from my ancestors, in which I have been bred and bred, though I am sure that is more than several can say. But are not very needless facts: but it is that which I have maintained upon judgment and choice; and ever since I have been able to form an opinion of this kind, it has been my opinion, that the religion professed in the church is the purest and most agreeable to the principles of my blessed Saviour, and his disciples, government, and worship most conformable to the pattern of the primitive church, of any that is now upon the face of the earth. And I do duty any man to prove, that I have any where in my practice, human frailties corrupted, deriv'd from this opinion, since I have been admitted to minister in holy things, either as a private preacher, or in a country parish, or as a dean of a cathedral, or since I have been advanced to that higher post I now occupy. But did these reproaches increase in me, and go no further, they would not be worth any man's concern; or my complaint; I hope I could bear them with patience: and always so, have rejoiced to go through good report and evil report. But when they reach to the church in general, or to the far greater part of it, it would be criminal to be silent.

"Of what kind consequences must it be to the church of England, to have the clergy and people of it persuaded with an opinion, that the bishops, the government of it, do not approve of, are not desir'd to its continuance? My lords, if I am a fool in saying, I am compell'd to it: but as what I am now going to say, I desire to be understood as excluding myself, and then I will venture to assert, That since the first establishment of this church, that bishop was ever fill'd with more of more venerable or deeper judgments, greater learning, more orthodox principles, or more exemplary life. Men that have been more laborious and diligent in preaching the word, visiting their churches, administering the use of confirmation, more prudent and cautious in admitting persons into orders, or admitting them into benefices: men that have more faithfully discharged all the duties required in a good bishop by St. Paul, as his apostles to Timothy or Titus, or by the constitutions of our church, men that have with greater strength of reason, greater learning, or greater success, undisturb'd by schism, worship, discipline and government, against all opposers whatsoever, men that have more faithfully expens'd themselves in trying times, or would be more ready, if occasion should again happen, to follow their dearer masters in his service and defence: that the present set of bishops, who are trained in the obsequy of the popish religion, and hardly with that decency they should be

entreated to resign. One professor has treated with another sort of respect. I am not a little in kind with a difference, them and their successors, so can just deliver a confession.

"My lords, give me leave to repeat plainly. If our fathers be, and so I shall there to be, all those actions are proved to us, that we were sensible for the sake of our great deliverance, but late memory of memory: that we were sensible as we are desir'd to be government; if our fathers be, that we are as sensible and sensible were desir'd to the present government to be only administered in the hands of her present majesty (whom God long preserve) to her honor and service. If our fathers be, that we have been sensible for the Protestant religion was established by law: if it be that we have been sensible of any office that have been made, which to us seemed to have a tendency to the prejudice or weakening any of them, and have opposed any steps which we apprehended might facilitate the bringing in a new prince from abroad: If these be our feelings, from such to take them to be false, we never hope for pardon, for they are as we cannot well repeat of. But if I am they will not be adjudged by your lordships be false, and some other are proved against, I hope and beg that we may be allowed continue privilege of the House, to differ any Lord when we cannot bring our opinion up to them, and so rose according to our orders and constitutions, without being expos'd to unkind reflections for so doing, as well when we think it reasonable, and be silent when we judge it convenient so to be, without being call'd up at the pleasure of any Lord that we have a mind to be angry with us."

The Queen's Speech on Passing the Act of Union. — March 4. The Queen came to the House of Lords to pass the Union Bill, and made the following Speech to both Houses.

"My Lords and Gentlemen, It is with great satisfaction, that I have been brought to a full assembly in England and Wales and Kingdom.—I consider the Government of the people is important to the strength, and safety of the whole island of the same time, as a work of it is necessary and every as an own state, and now all attempts, which have been made towards it, will be a course of above a hundred years proved successful; and therefore no doubt, but it will be soon cleared and illustration, to the honor of them, who have instrumental in bringing it to such happy conclusion.—I desire and expect a joy to begeth of both Houses, and that with they act with all possible unanimity in our nation, the world will appear to all the world, they have been so to become new people.—I shall be a pleasure to me, and will be a pleasure to the good people of the island. And I cannot but look upon it as a

happiness, that in my reign to full provision is made for the peace and quiet of my people, and for the security of our religion, by so firm an establishment of the Protestant Succession throughout Great-Britain.

“*Graciousness of the House of Commons;* I take this occasion to reward you of making various provision for the payment of the registered 1. Standard, within the time appointed by the act, and I am persuaded, you will show as much readiness in this particular, as you have done in all the parts of this great work.”

“*My Lords and Gentlemen,* The season of the year being now pretty far advanced, I hope you will continue the business, which has appeared throughout this session, in dispatching what yet remains unfinished of the public business before you.”

Address of both Houses concerning the Union.
 March 8. Both Houses agreed upon the following joint Address:

“We, your majesty’s most dutiful subjects, the Lords spiritual and temporal and Commons in parliament assembled, return our most humble thanks to your majesty, for your personal approbation of the treaty we had in bringing the Treaty of an Union between your two Kingdoms of England and Scotland to a happy conclusion; a work, that (after so many fruitless endeavours) stands designed by your wisdom and new shines to the glory of your majesty’s reign. The success of your arms having

secured us from all attempts from abroad; and the same year majesty has taken of the firm establishment of the Protestant Succession having given a great and lasting security to our religion, as in the Church of England by law established, we beg leave humbly to assure your majesty, that our endeavours shall never be wanting, to support your person and crown; and so to establish the peace of this island, that no disputes may remain among us, but how to acknowledge, in the most dutiful manner, the august and constant of so great and so long reigned a queen.”

The Queen’s Answer. Her majesty’s Answer was as follows:

“My Lords and Gentlemen, I am glad to find your opinion so particularly agree with mine concerning the Union; you cannot do me more acceptable service, than by using your utmost endeavours, to improve all the good consequences of it.”

Resolution in favour of the Hebride Islands.
 March 28. The Commons proceeded to take into consideration the Report from the Committee as to whom the petition of several proprietors of plantations in the islands of Nevis and St. Christopher in America, and other merchants trading to the same, on the behalf of themselves, and the other inhabitants and traders to the said islands, was referred, and the same being read, it was resolved, “That no humble Address be presented to her majesty, that she will be pleased to appoint such persons as her majesty shall think fit, to enquire into the true state of the losses of the people of the islands of Nevis and St. Christopher, in order to lay the same before the House the next session of parliament; and in the mean time, that she will be graciously pleased out of the public money granted this session of parliament, to apply what may be convenient for the better securing those islands, and supplying them with necessaries, in order to a re-settlement.” The said Address being presented accordingly, her majesty was pleased to answer, “That she was very well pleased to find the House of Commons had so compassionate a view to the losses of her subjects in Nevis and St. Christopher, as to with the concern they showed upon this occasion for the plantations, which were so justly entitled to their care, by the large rewards they made to the public, and her majesty would give the necessary orders for what the House had desired in that matter.” Accordingly her majesty was afterwards pleased to appoint a commission of learned ability and integrity to go to the said Islands to procure an exact state on the losses of her subjects there, in order to their being put on such a footing, as might be most for the particular benefit of the inhabitants, and the general good of these kingdoms.

The Queen’s Speech to both Houses.
 April 8. The queen came to the House of Peers, with the usual solemnity, and gave her royal answer to the several following public bills. These things being over, the Lords

“When all was agreed to, in both Houses, a bill was ordered to be brought in to amend it, which was prepared by Marrow, with in particular a proviso, that it cut off all debate. The possible was a revival of the Article, as they were passed in Scotland, together with the acts made in both parliaments, for the security of these several churches; and as respects us, there came one striking clause, relating to it. Thus put those, upon great difficulties, who had wanted to object in several articles, and to count as demanding some alterations in them; for they could not come at any debate about them; they could not object in the record, it being merely matter of fact, and they had not strength enough, to oppose the general striking clause, nor was it easy to come in particular, and to offer protest’s relating to them. The matter was carried as was desired, that it passed through the House of Commons, before those, who attended in the upper, had recovered themselves out of the surprise, under which the bill, it was drawn, and had put them. It did not stick long in the House of Lords, for all the Articles had been equally debated there several days, before the bill was sent up to them, and thus this great design, so long wished and laboured for, was at last, and happily, ended, with the consent of most estates. The Union was pronounced on the First of May, and next day there, the two kingdoms were still united, and their two parliaments continued up to us.”

Keeper, by her majesty's command, proceeded the parliament void standing the 14th, when her majesty being come to the House of Peers, and the Commons sat for up, her majesty made the following Speech to both Houses.

"My Lords and Gentlemen, I was willing to give you an opportunity of meeting together again, to consider in any thing was properly to be done to prevent the inconveniences that now happen to our trade, by two parts so interest between the usage of the parliament and the first of May, and I could not tell what answer is to be made of that kind, will require to be designed in a little time."

[*Picture of the Queen's speech against the exportation of Goods into Scotland.*] The Commons being returned to their House, several Lords and a Prince of the Netherlands, on behalf of themselves and many others, presented to the consideration of Wines, and Brandy from Spain, Portugal, and Italy, and so other goods from Holland, &c. complaining "that (in the petitioners were credibly informed) great quantities of French wines, brandies, oils, gums, resins, &c. of the growth and produce of France; whole hams, hawks, drugs, coffee, spices, &c. from Holland and from France, secretly were brought, and were intended to be exported into the Kingdom of Scotland, in order to be brought thence and imported into the Kingdom of England, after the first day of May, to avoid the English duties, to the great detriment and loss of some, and the other rate of other the petitioners, who had imported, and were importing into England the like commodities from Spain, Portugal, Italy and Holland, paying the high duties upon them, which commodities had been chiefly purchased abroad with the woolen-manufactures, corn, and other produce of England, and praying, that the House would prevent the importation of the said goods and merchandise, the importation whereof without being made subject to the English duties, would be a great damage, not only to the petitioners, but to her majesty's revenue of her customs, or otherwise to provide for the petitioners relief in the premises, as the House shall think fit."

[*Resolution drawn.*] The next day, the Commons, as a Committee of the whole House, came to these Resolutions, viz.

1. "That it is the opinion of the Committee, That the importation of goods and merchandise of the growth and produce of France, and other foreign parts, into Scotland, in order to be brought from thence into England after the first of May, and with the intention to avoid the payment of the English duties, will be to the damage and loss of the fair traders, to the prejudice of the manufacturers of England, a great loss to her majesty's revenue and her customs, and a very great detriment to the public. 2. That the exporting of goods and merchandise from England into Scotland, that are intended to be drawback, with intention to bring the same back again into England after the first of May, is a most unreasonable breach to the

damage and loss of the fair traders, great loss of her majesty's revenue of her customs, and a very great detriment to the public."

These Resolutions being immovably passed and agreed on, a Bill was ordered brought in upon the same, which was *enjoyed down, and when the Commons and the Bill was ordered to be engrossed, till on the 14th was passed, and was* Lords for their concurrence; but it is pretended, that this law would give rise to the riots, and the most numerous buyers, were dissatisfied about it, not agreeing upon it, the commons thought fit to let that sitting, that the 1st of May was near at hand, and that the presence of the trustees was bad, in some measure, being prevented, by some of the intended law."

The Queen's Speech at the Proclamation. Hereupon, the queen came to the Peers on the 14th, and made the following Speech to both Houses:

"My Lords and Gentlemen; I return my hearty thanks for the great zeal and care which you have shown for my service in the public good in the several affairs lately been before you, especially in that in Union with Scotland, which I do not suppose a lasting blessing to this Island."

"Gentlemen of the House of Commons, I thank you in particular, for the dispatch you have made in your business and most efficient support that is ever been given to the crown for the same service in any one session of parliament. It is very much concerned that the public welfare require the making of such great laws for the people. I will take care they shall be given in the year for which they are given, and hope, by God's blessing, we may soon manage from their serviceable to us great expense."

"My Lords and Gentlemen; I sit for me, before we part, to commend to you that I think it expedient that the Lords, Commons of England, and Commons of some parliaments of England, should members of the respective House of

"There has been a great deal to do in my absence continued by a resolution passed in the parliament of the parliament of a bill the Commons are in Lords in relation to French carrying on, and by importing prohibited goods, the Union were to be concluded in England. Lords would not pass the bill, nor reject it, but hoped by a proposition the Commons an opportunity to bring in another bill that might be upon the Union, as they apprehended, but the Commons were without will the same bill again; that the queen at last to interpose and determine by putting an end to the parliament in House Walpole, May 12, 1707. Walpole, vol. 1. p. 2.

in Scotland; some of them were the contractors in England, and a considerable sum was sent to Scotland to defray the expenses of the different parties in the war; some of them moved, that the Jacobites be a distinct government, and that they should continue there, but that they should be brought under the same laws as the English were; they all, however, were considered, as all respects, as one body, the possibility of separating and dividing them would be there ever extinguished; this was proved by the same arguments by those who were enemy of the present ministry, and begged to see their power at an end—but the ministry, who had a mind to keep up their authority, and to have a necessity of preserving a show of government, and a form of government in their power, both for subduing the Jacobites, and that the nation might not be disgusted, by too sudden an alteration of former appearances. The court resolved to maintain the ministry there, till the restoration of parliament, to which were many more might be taken. Time of service happily settled at home, and the first of May, when the Queen took place, being appointed as he observed as a day of public and general thanksgiving for the happy conclusion of the Treaty of Union, it was celebrated with a decent solemnity. Congratulations addressed in names of the Union were presented to the queen from all parts of the kingdom. But it was observed, that the university at Oxford were silent on this occasion, as well as the town, which made the addressers of Brudenell in Northamptonshire suggest, "That after the little notice that had hitherto been taken of the Union by those who enjoyed the present state of it, at least an equivalent of the advantage, they had some thoughts of not disturbing her majesty at this time, in her great contentment for the liberation of all Europe, had they not been asked, but the majesty of the world did not have respect to them to some of her respect's minister's subjects, who, by their silence or not addressing, had sufficiently declared their dislike of what her majesty had owed her greatest pleasure and satisfaction."

Principal Occurrences during the Reign—Change of a Parliament—Expectations of the coming campaign not answered—Proceedings with regard to Scotland—A New Party at Court—Proclamations in the Church—Four Acts of War Act—Dispute concerning the Parliament—New Parliament called—"About this time," says Tristram, "there were made some changes in several public offices. The earl of Strafford, the lord Hartwell of Chesham, Robert Montagu, and John Polbrin, esquires, were made commissioners of trade and plantations, in the room of the lord viscount Weymouth, who had before resigned that post, and of William Blakeney, John Polbrin, and Matthew Prior, esquires, who were had aside, as too strongly attached to the Tory party. At the same time, by the removal of Mr. Stur-

tury Harley, or Simon Harcourt, master of the Admiralty, General, in the room of Mr. Northey; Mr. James Montague, master of the High Court in the place of Sir John Holt, and the honorable Spencer Compton, who had vacated his seat and station in the House of Commons, was made treasurer and comptroller to the King's Chamber, and paymaster to her majesty's post-office, in the room of Mr. Nicholas. In the last of May, the queen declared the lord high chamberlain of Great Britain, in person, the lord Godolphin was appointed lord high treasurer of Great Britain. From George of Denmark took the oath as duke of Clarence, as lord high admiral of Great Britain, and by a new commission appeared as David Mitchell, George Churchill, the late Walpole, and as Stafford Foster, connected in the office of the admiralty. In the end of Manchester received his instructions to go ambassador extra-ordinary to the republic of Venice, and, in his journey thence, he went to the courts of Turin and Tarent. But the more considerable change had been made, in December, in the person in the north of Scotland to the post of a new of state, in the room of Mr. Charles. Though it was not till after much debate, that the queen could be prevailed upon to do this alteration.

"The unparalleled success of the war, the glorious and extraordinary year, the king and the many nations that were victorious, long in war campaigns, raised great expectations from the west, and made it expected, that some was done, in which the people, the king and the people of that king's long and bloody war were going to be repaid, and with the same success as elsewhere he had formerly treated. But the events of the war, campaigns, and the necessary efforts, and proved very contrary to the hopes. The effect of peace, by France, had been noted especially by the British and Holland, but the relations had been observed, expressed by some to come to a treaty with the French, and some efforts, was thought to have been the Imperial court, a strong jealousy, the maritime powers were competing with each other, and making them for themselves, in the interest of America was to be worked. The jealousy was supposed to have put even upon measures, that had a final effect on the campaign of that year, and to have caused the two most unfortunate happened during the whole war. For the conclusion of a treaty with the French, by which the Mississippi, without the power of France and Holland, gave the French the right of sending immediately into Spain a body of good veteran troops, to the aid of King Philip, whose army had by the treaty of the treaty, and the battle of Abasco. And the expedition given was the chief cause of the French design against Tunis."

lance in the approaching session, most of the eminent members of the House of Commons were called to a meeting, with the dukes of Lancaster and Devonshire. Their lordships asked them, in the queen's name, that she was very sensible of the services which the Whigs did still, and though she was engaged almost wholly with relation to those two lordships, she could not recall the promises she had made, yet for the future she was resolved to give them full content. But, it is to be feared to some Whigs, Mr. Harley, and his friends Mr. St. John and Sir Simon Harcourt, took great pains with the leaders of the Tories, particularly Sir Thomas Hanmer, Mr. Bromley, and Sir Foxcroft, to engage them in the queen's interests, assuring them, that her heart was with them; that she was weary of the tyranny of the Whigs, and longed to be delivered from it. But they were not wrought upon by that management; they either suspected it, as done only to insure them, or they had other views, which they did not think fit to own. This double-dealing came to be known, and gave occasion to much jealousy and dissent.

A little before the session was opened, an unusual misfortune happened to us. A comet of five days of the line (the Cumberland of eighty guns, captain Richard Edwards commanded) the Despatch of five forces; the Royal-Oak of seventy guns, and the Chester and Ruby of fifty) were sent to London, to convey thither a fleet of about 120 and 40 merchant-ships, with near, had two prisoners, some

"The duchess of Marlborough, in the Account of her Conduct, p. 172, observes, "That notwithstanding the promotion of Lord Sunderland to the post of secretary of state was carried by the Whigs, they were soon alarmed upon by the queen's choice of two high-church divines to fill two vacant bishoprics. Several of the Whigs were disposed to think themselves betrayed by the ministry; whereas the truth was, that the queen's nomination to the Tories, being now opposed by the Whigs and remonstrances of her private councillors, had begun to make a reference to her to consult with her ministers upon any promotion, either in the church or the state. The first article of these remonstrances was in regard to the queen's notice of the high party-men of among without her ministers, and for they expressed a) of being queen ordered. And the nomination of persons to bishoprics against the judgment and remonstrances of her ministry, being what they knew her genius would fall in with more readily than with any thing she they could propose, they began with that, and they took care, that these remonstrances should be interpreted by the world, and repeated by herself, as hard usage, a denial of common civility, and even the making her an enemy. Her majesty, however, to quiet the dissatisfaction of the Whigs for the late promotion, ordered her ministers to assure them, that she would prefer no more Tories, and she

of war, and a thousand horses brought land for the king of Portugal. Plymouth on the 9th of October, being desired to sail, and it had been by some time when a squadron from Dunkirk had sailed from Bristol, and by the way, the French minister threatened us with a great and M. de Gué Trouin, and sailing on only one of 74 guns, which at 68, were a great force under 40. Some ships were brought to the Admiralty of the passage, but they were not allowed by the French set upon the English ships of the Channel, the contrary did their party very gallantly though the enemy were almost three to one of the English men of war was blown and three of them were taken, so that we escaped much damage; but they fought so long, that most of the mariners had time to get away, and sailed on, not long pursued, and got into to Lisbon. Two men almost at the same time with the loss of moral strength, the session at parliament with a meeting daily here, and a dispute, and the opening, but it did not put the House in great disorder.

"It was generally observed, that, though the new parliament that had been called together, set a new new parliament to be set a new house for all, and was received by a great number, so had been said. The Whigs, in this way, that they, who had got power to be re-elected. Others said, that it could not be a new parliament, nor

give the same assistance, with her own name in the cabinet-council. And he was much by her secret councilors as for a short promise, as to give, she at the same time, the bishopric of Norwich to Dr. Tenison, a notable friend of Lord Sunderland's; and then, some time after, gave the same to a friend of the Whigs at Oxford Dr. Parker, the bishopric of Exeter, who had been a friend for his competitor recommended to the Tories. But she had been sworn to the Whigs, and so early she used as the French to say, the delays that were made in her name, the Lord Marlborough thought it necessary what might be had with the queen, glory he had carried to a height, and the service of her predecessors, the world was a surprising letter to her, emphasizing the sincerity of his interest with her, and entirely at her at long deferring the point she had promised, of the person recommended by her ministry, as a such all forced to her remembrance, adding, that the only way to her resignation, was to be true to the word she had professed to her friends, during some of those who appeared to serve and the nation's interest, but that at the same time to the same effect. I wrote to the queen, and at length, submission, the matter was decided, Peter Bred in the professorship."

On the 12th, the two distinguished "Londoners" left for the Jura Mountains on foot, and on the Wednesday 14th, they were met by the beginning of a beautiful day. The sports lasted to the 16th of June, and, in common with all, they were damaged by the rain. In return to their hosts, they gave a splendid banquet during which they unanimously made choice of their former speaker, and then, on the 20th of the same month, they appeared on the same day, after a short stay, of that part of Great-Britain, and had been selected to their country of their respective work, and the whole was followed by two English poets of

[H. R. 100. House of Commons.] The following list of the Members of the House

¹⁸ Jones and Howell or Contents in the First Collection of Great Britain, which met January 28, 1767.

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 William, Jackson
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 Lincoln,
 Langdon South,
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 Chicago City,
 Sir Henry Barclay,
 Peter - his lady
 Chelmsley,
 Thomas Graham,
 Sir Thomas Lambton.
 Applesham,
 Lord Richmond,
 Sir James Lamb,
 Philip & Michael,
 Charles Matthews,
 His Lord's Secretary,
 Charles's Lodge,
 Francis Gwynne,
 William Francis
 Francis Lee,
 Allen Robinson,
 Henry Lee &
 Collins
 Nathaniel Stone,
 Frederick Home
 Elmore,
 Edward Harvey,
 Samuel Harvey
 Cambridge,
 James Stoddart,
 Thomas Langloph,
 Leckham,
 Sir Isaac Fether,
 Sir Thomas Wright.
 Goffrault,
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 Richard Parnes,
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 Hugh Danvers,
 Sir Richard Vernon.
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 Sir Orlando Hodgman,
 Edward Haydon,
 Leckham,
 Edward Church,
 Samuel Barker.
 Cumberland County
 Richard Mungate,
 George Flecken,
 Donington,
 Sir Richard Muddleton,
 Donigh Town,
 William Collman
 Donigh &
 John Lacey,
 Thomas Lohm,
 Early Town,
 James Cornwell &
 Sir Thomas Parke,
 Groom,
 Sir Philip & Child,
 Donigh Dutton.

myself's pleasure, that they should adjourn to this day. When the Queen made the following Speech to both Houses.

" My Lords and Gentlemen: It is with all humble thankfulness to Almighty God, and with entire satisfaction to myself, that I meet you here, in this first parliament of Great Britain; not doubting, but you were with leisure prepared, as soon as it was the Union so propitious, as may answer the well-grounded hopes of all my good subjects, and the reasonable apprehensions of our enemies.—To this end, nothing is so immediately material, as to continue, as soon as is possible, both our French and our English, that the meeting of our interests has not only improved our abilities, but our confidence also, in prosecute this just and necessary war, till we obtain a safe and honourable peace for ourselves, and for our allies.—In so good and necessary a war, as this is, many things may be usefully undertaken, which are not fit to be communicated between Houses. The attempt upon Toulon was of this nature, and, though it had not wholly its desired effect, has, nevertheless, been attended with many great and obvious advantages to the common cause in this year, and has made our way more easy, I hope, to govern in the next.—In the French have gained ground upon us in Spain, so they have been wholly driven out of Italy; by which it is become more easy for all the allies to join their assistance, next year, for ending the king of Spain to recover his affairs in that kingdom, and to reduce the whole Spanish monarchy to his obedience.—The weakness and ill posture of affairs upon the Rhine, in the beginning of the year, has given an opportunity to the French, to make themselves stronger in all other parts; but this defect seems in a very promising way of being fully remedied, against next campaign, by the conduct and authority of the elector of Hanover, whose reasonable acceptance of that command has strengthened and obliged the whole confederacy.

" Gentlemen of the House of Commons, The just application of the supplies, ever use by former parliaments, the plain necessity of continuing this war, the reasonable prospect of putting a good end to it, if we be not wanting to ourselves; and the honour of the first parliament of Great Britain, are, I make no doubt, sufficient arguments to urge you to provide the necessary supplies, which I am obliged to desire of you, for the ensuing campaign in all parts, and particularly for the timely support of the king of Spain, and the making good our treaty with Portugal; as also for strengthening the confidence which under the command of the duke of Savoy. All which services I do not doubt but you will think so necessary, that they ought not to be rejected, even though they should require an augmentation.—The sums already expended in this war, have been very great, and there are sufficient proofs how well satisfied my subjects have always been with the ends of my government, of which I am so ac-

quainted, as never to ask any supplies from them, but what was absolutely necessary for the service of their religion and liberty; and look upon it as my great happiness, that it is not the least interest separate from that of all my good subjects.

" My Lords, and Gentlemen, It is a weak great and very sensible, in that of the is it impossible but that some doubts in our nation must have arisen, which, I am sure, are so far overcome, as to have done the designs of those who would have made of that house to forestall discontents.—I am several doubts especially such as the America of the Church, to the conduct of the parliament of Great Britain, who, together with such others, as may reasonably produce those advantages, thus, with due care must certainly arise from that I fear, I have by reason could so great service could be. On my part, nothing shall be so much as over to my people, all the blessing, and relief from the happy circumstance of the reign; and, so intemperately, by all parties, the least occasion of jealousy, that either civil or religious rights of any part of them. I trust to explain even suffer by the consequence of this I am.—Such a suggestion, I believe, in my heart, have not freedom, to be so correct our manners may be in their rule, and suitable to disturb our peace and repose. These great and valuable liberty, cannot but be always secure to us, if we are faithful to our to maintain and improve it, in such manner. I hope, therefore, you will not refuse to proceed with you to discuss among yourselves, or make your real is concerning the same event."

The Commons [Mr. Alderman] The King's speech was received upon a petition, thanks to her majesty, a lock from the House.

" Most gracious Sovereign, We, your Majesty's most dutiful and loyal subjects the members of Great Britain in parliament assembled, with all thankfulness and joy, do acknowledge the Divine goodness, in making you justly the glorious instrument of uniting two kingdoms.—And we shall never be wanting in our duty to your Majesty, if we are exposed to us by the circumstances to embrace all occasions of your improving the advantages of it, in your Majesty.—As the ancient ties of union, as well as the government at home, and abroad, grounded hopes of good subjects, we, the Commons are resolved to meet the strength of the crown in such manner as to make it a terror to your enemies.—I of Hanover being at the head of the army, gives us the greatest improvement on that side, from his conduct and valour.—And though your Majesty's great wise designs for the advantage of the nation, and the good of the common cause, have had all the desired effects in the last year, yet we beg leave to move, your Majesty, that disapprovements shall be done, as to the

... your efforts to enable your majesty, to assist with your ability, to reduce the Spanish monarchy to the obedience of your majesty, to make good the treaty with France, and to interrupt the confidence which under the command of the duke of Savoy your majesty has shown, throughout the whole world, that you have no longer any doubts that of your people who have been so sensible of the many blessings they have enjoyed under your administration, as never to be wanting on all occasions to express their gratitude to the best of princes — And we, your most Committed of this parliament, do hereby promise your majesty, that we will protect a poor publick business with industry and dispatch, and give such effectual support as every duty on the war with vigour, and in the blessing of God upon your majesty's arms, shall be necessary and lasting peace.”

The Queen's Father } In this Address her majesty answered them.

“ Gentlemen; I thank you very kindly for this Address. The desire, you express, of doing all occasions to improve the advantages of our happy Union, are extremely agreeable to me. As you cannot give me a more sincere proof of your loyalty and affection to me, and my government, than by your assistance, I suppose, the efficacy is a vigorous prosecution of the war, so I do not doubt, but if these measures will have their due weight, and be at the greatest advantage, will sit to the common cause.”

Then on the 14th of the State of the Nation (the great Liberty of Trade) It was proposed, according to custom, that the Lords would have begun with an Address to Thanks to the queen, but whether a majority's speech came first, is not considered, the earl of Wharton made an eloquent harangue, wherein, among other things, he took notice of the great decay of trade and industry of industry. He was seconded by the lord Somers, who likewise enlarged upon the ill condition and late management of the Navy. So that when the earl of Russell moved for an Address to her majesty, it seems her Thanks for her most gracious speech, he was opposed by the duke of Buckingham, the earl of Rochester, and the lord Gower, who said they ought, in the first place, to consider the State of the Nation. Upon which it was ordered, that the State of the Nation should be taken into consideration on Wednesday the 14th of December, in a Committee of the whole House.

Accordingly, the lord Harbord of Chertsey, being chairman, a Petition given in by the merchants of London, and subscribed by above 100 of the most eminent merchants in the city, was read, complaining of the great losses they had lately sustained at sea, for want of Care and Care, and begging a speedy remedy. After the reading of this Petition, which was approved and so the committee by the earl of Somers, his lordship began the debate, by being upon the miserable condition of the

Nation, and the great Decay of Trade. Several other Petitioners to the same effect, and among the rest,

Lord Warburton spoke as follows.

“ My lord Harbord, I was an entertainment as not to be in the House when your order was moved for, but thought if my duty to your majesty upon so remarkable an occasion, I must in a generally looked upon as a mark of great weakness and ingratitude, to attempt impossibilities. That men would scarce be thought in his right senses, that should endeavour to stop the tide at the head with his thumb; and yet rather order it to be retentive course, so knowing that it will as many times as stop, as it will as long; but yet there are some cases wherein the universal practice of mankind shows the mistake of this maxim. Who is there, that, seeing his power languishing, and in an irrecoverable consumption, would not think it his duty to give him all the assistance in his power, though he was morally certain, all his endeavours would prove ineffectual, and the final hour was just approaching? Nay, that not every man endeavours to preserve his own life, while at the same time, he knows, that death itself is just unavoidable? I am I take to be the present man of England (if not your lordship's portion, that I have not yet forget that beloved name) I mean Britain. Our condition is very low and deplorable, and yet I think myself obliged to do all I can toward the helping of a poor sinking island, though I am convinced, at the same time, it will prove very unavailing. My lords, the two things you have now under your consideration, your fleet, and your trade, have so near a relation, and such mutual influence upon each other, they cannot well be separated: your trade is the mother and nurse of your treasure; your treasure is the life of your fleet, and your fleet is the security and protection of your trade, and both together are the wealth, strength, security and glory of Britain. And thereby to manifest, that those who have written upon these subjects, whether historians, or among ourselves, have found it, which makes it necessary, that a change in them and evident, and whereas our interest and safety does so much consist, should be postponed to any foreign consideration whatsoever, whereas we are here concerned, but we are so unhappy, as to struggle with so many complicated difficulties, that what is proper for one thing, is prejudicial to another. My lords; I must make the same apology for myself as that noble lord did (the earl of Wharton) who first began this debate, though I may speak very plainly, it is with a very honest intention of service, and a very ill sense of our great losses and mismanagement. His lordship has spoke so very well, and so fully to these points, that whatever I can say upon the same subject, will, what what has been said by him, come from me with a very ill grace, yet give me leave, my lords, to speak a word or two. I am sensible at this time how necessary, that a little more

know, where to begin. Your ships have been taken by your enemies, as the Dutch take your herrings, by stealth, upon your own coast; nay, your royal navy itself has not escaped. And these are pregnant misfortunes, and lag with insupportable mischiefs, your manufactures are beggared, your commerce is broke, your trade is gone, your people and manufacturers ruined, the queen has lost her customs, and the parliament must needs good the exchequer; while in the mean time our ships have no open and flourishing trade, and our merchants make use of both our own ships and to others too against us. There is yet a further grievance, when, through a thousand difficulties and dangers, the foreign trader has brought home some small effects, he is taken upon, and oppressed by numerous and unjust prosecutions. I mention this with relation to the Union, and show, that though I was always against it, yet were it made, I am for keeping firmly and steadily to it.—My lords, the face of our affairs is visibly changed in the space of one year's time, and the temper of the nation too. Formerly men called their misdeeds in sin, and were afraid of whispering them out for fear of being overheard and undone. Now, it is hard to stop their mouths, or keep them within any bounds, the moving objects of sorrow we meet with every where, the tears of the fatherless, and cries of the widows, have raised both a compassion for the distressed, and resentment, and indignation against the authors of these misfortunes, and the very flames which of late have been abroad, nobody knows from whence, and papers have been cried in your streets, are all marks of the great ferment the nation is in. My lord, you are now upon the great enquiry, by what ways and persons we have brought into this miserable condition; I think it very indifferent which way you proceed. It seems reasonable that those Lords who first started this order, should put it into what shape they please; but I must take leave to say, that, begin where you will, if you do not end with the ministry, we shall be in a worse condition, in my opinion, than we were before.—As to the expediency, if the prince's counsel have committed any fault, it is sure he they should have what they deserve, but I hope no punishment will press with the prince himself to lay down that commission. The navy I think is safer in his hands, than in any other man's whatsoever; and I will give your lordship my reason for it. He has advantages no other prince can pretend to. He owns not his commission in the favour of any great minister's relation or, nor is he within the reach of their power; he stands upon a much more solid and firm foundation; and as there be any mistake, it is reasonable to be the safer either of the first, or the safer of a great minister, as a cause to please him.—My lord, I take the root of all our misdeeds now to be in the ministry; and without a change of the ministry, in my opinion, no other remedy will be effectual. It may perhaps be told by some body, that I an-

rage the ministry. I know that is so here, yet every body has liberty of speech, though freely, and taking notice of my thoughts is grievance to no man. And it is under this notion of compliance, and some sense of our miserable condition, that I am then to your lordships, what I was not before; I stand upon more ground, I doubt venture thus far, but I have my points up hand. And now, my lords, it is I think proper that I say.—Should I mention the misdeeds, and last Articles of the Union, I will not your order, and those lords who were against for the north part of Britain, I am to believe, have heard of a complaint and petition of the royal boroughs; and I might mention the disappointments we have met with Spain; but I hope that two points will sometimes or other considered. I will therefore keep myself for now steady in preparation, and I think nothing is more evident, that your ministry has been the cause of these misfortunes. And the arguments which convince me of it is drawn from an address your lordships in 1761, which I have in my hand. I know before whom I speak, the members of that commission voted, not to do any thing without the advice of the ministry; your lordships did then most freely advise and address her majesty, that petitioners were might be taken of those two points, but those who have her majesty's ear do not wait to the contrary, and the want of judgment your lordships ask us has but the next to ten millions more; and therefore it is clearly follows, that your ministry have been the authors of these losses.—As to what, my lord, or I will trouble you no further; for one instance has I cited as an thing will, I will not need thank, and one deal at bottom, do, certainly break out with miserable misdeeds.

The debate growing high, several lords intervened to stop it, by proposing requests that to remove our hands at sea, and some others, the lord Halifax moved, that a committee be appointed to receive proposals concerning of Trade and Provisions in the West-Indies; which motion being seconded by the Lord Treasurer, and the question put, the vote was carried in the affirmative. After which, a day was appointed to meet, on a convention, what the merchants had to say to prove the suggestions of their petition. It was observed, that, as soon as the debate with the duke of Marlborough took place at Wharfedale, and there passed some correspondence between them.

Mr. Agill opposed.] Now to the first motion took into consideration the Report of the committee appointed to enquire of the of Mr. John Agill, a member of the House of Commons in the Fleet for debt, at the of Holland, a Southwicks, gentleman, who was ordered to be re-committed. After which, the House being adjourned, and kind of pamphlet, signed, J. Agill.

well as manufactures; the merchants were respectfully examined touching their complaints and grievances, and the Prince's answer made their replies and resolutions. Mr. Heathcote, son of Sir Gilbert Heathcote, and Mr. Dawson, House-Merchants, spoke very boldly, and stuck not to charge the managers of the war with fraud, malice, and ignorance, which all had learned of Ashurst Churchill. Several members interrupting them, but Richard Chislev, clerkman of the committee, desired them to go on. Whence, who commended the House-merchants, and soon he a flag, soon being master of a world that if ship, had a character who have notice to be returned to by Mr. Heathcote and Mr. Dawson, in their complaint of fraud, malice, and ignorance. "These debaters and complainers ended in a resolution, " That, the better securing the Trade of that Kingdom, war and about the ships of war for the loss of battle, and the necessity to restore peace, sufficient number of ships, afterwards called for four, be appointed to cruise in proper station."

Resistance to such the Queen more explicit. The commons entered a bill to be brought in to repeal the acts passed in Scotland, for the security of that Kingdom, and about peace and war, which had given so great a journey to the English nation, that the revoking of them was one of the principal wants of the country, in the protection of the Treaty of Union. This done, they considered those parts of the Queen's Speech relating to the making of the Union more explicit, and resolved, on the 11th of December, " 1. That there be but one parliament in the Kingdom of Great Britain. 2. That the affairs of that part of Great Britain called Scotland be regulated, in the same manner as the affairs of that part of Great Britain called England is regulated. 3. That the powers of justice of peace for preserving the public peace be the same throughout the whole United Kingdom. 4. That for the better administration of justice and preservation of the public peace, the lords of justice be appointed to go circuit twice in the year. 5. That the writs for electing members to serve in the House of Commons, for that part of Great Britain called Scotland, be directed to the sheriffs of the respective counties, and that the returns be made of such writs in like manner as returns are made of such writs in that part of Great Britain called England."

The Queen's Speech on passing the Hanseatic Bill. Dec. 18. The Queen came to the House of Lords, and after giving the royal assent to several Bills, made the following Speech to both Houses.

" My Lords and Gentlemen. I am very well pleased with the occasion of my coming hither at this time, and desirous to take this opportunity of expressing to you the satisfaction I have in seeing so good a progress made in the public business.

" Gentlemen of the House of Commons; I am extremely sensible of the studious and af-

fection with which you have provided a considerable part of the supplies. As I am persuaded it must needs give the greatest satisfaction to all our allies, so I find upon this new pledge of your being engaged to, and good those hearty assurances which are in the beginning of the session.

In the opening of this parliament, you have you would look upon the services to Spain, Portugal, and the arms under command of the Duke of Burgundy, to be of importance in the prosecution of the war; they might deserve an Augmentation, which could not but think will be of the greatest use in the common cause," both with regard to

Mr. Addison wrote an excellent piece for this purpose, which was printed at Lond. 1706, under the title of " The present state of the war, and the necessity of an augmentation renewed." In this discourse, after he shews, that the French are the commonest and dangerous enemies to the British crown, and that the danger from them was no greater than ever, and would still increase their Union with Spain were beforehand, facts the several advantages, which the loss had already given France, and what his Great-Britain, in relation to the Weakness of the woollen manufactures, the trade of the west, and the naval power of the two nations then shew how their union would increase higher after a peace, notwithstanding the present conquest of Great-Britain, which addition, should be confined to the union as well because the superiority of Spain will not be weakened by such conquests, nor cause no guarantee could be found against to secure them so as. For which reasons, it down as a fixed rule, that no peace would be made without an entire cessation of the French and Spanish incursions. That the words be brought about, he undertakes to perform in the progress, which had been already undertaken, and the success, which the British nation had purchased in the war, and still were very considerable, if well pursued, of no effect, if the nation should accept of them. In order to complete the design, which we had gone so far, he would not rely upon relaxing the French trade, but to exempt upon the Spanish trade, diminishing France, but chiefly in countervailing troops, France being already drained of her best supplies, and the confederation of much greater forces for maritime and both in man and horse, and providing generals of great fame and abilities. He considers the wrong measures, which he hitherto taken in making too small a successful campaign, in neglecting to bar by that of the enemy's forces, but those of our confederates; showing at the same time the inconsequence of our land troops, and several advantages, which might be employed, those of the sea. He farther recommends the

The Earl of Rochester said, That we seemed to neglect the principal business, and used only arguments; adding, he remembered the saying of a great general, the old duke of Saxe-weimar, viz. 'That the attacking France in the Netherlands, was like taking a bull by the horns' and therefore his lordship proposed, That we should stand on the defensive in Flanders, and send from thence 12 or 20,000 men into Catalonia.

That noble peer was seconded by the Earl of Nottingham, who complained of Spain being in a most abandoned state.

The Duke of Marlborough undertook to show, though with some warmth, the danger of such an undigested council, and the necessity of negotiating, rather than threatening our forces in Flanders. The two chief reasons his Grace urged were, 1st, That most of the strongest strong places there, might be kept with us; happened in such; whereas the great towns of Brabant, we had conquered, required twenty times that number of men, for their preservation. 2dly, That if our army in the Netherlands was weakened, and the French, by their great superiority, should gain any considerable advantage, which it was not reputable they might, the discontented party in Holland, who were not a few, and born with impatience the necessary distress of the war, would not fail crying aloud for peace. Harpagon.

The Earl of Rochester said, He wondered that noble peer, who had been ever commended for his calmness and moderation, should now be lost of his temper; adding, that there being an absolute necessity to secure Spain, his grace would oblige their lordships, if he would let them know, where they might get troops to send thither; and the more, because the Earl of Peterborough had that very day assured them, that he had heard prince Eugene say, That the German soldiers had rather be decimated than sent into Spain.

The Duke of Marlborough answered for the cause of having shown some warmth, by saying The thing was of too great importance to be spoken of without concernment; and as for the question proposed by the Earl, he added, that although it was improper to discuss secret projects in so great an assembly, (in which that day many strangers had been admitted, by the favour of the queen's presence) because the enemy would not fail being informed of them, yet, to guide their lordships he might assure them, that measures had been already concerted with the emperor for the sending an army of 40,000 men, (which he specified) under the command of the duke of Savoy, and for sending powerful succours to King Charles; adding, it was to be hoped that prince Eugene might be prevented with us; and can send us Spain, in which case the Germans would gladly follow him thither. The only difficulty which, his grace said, might be objected against this scheme, was the usual distrust of the court of Vienna; to which purpose he took notice, that since 1699 German retreats, which the emperor

had promised for the army in Flanders, arrived none enough, the contrary of which might have been attended with such a loss that it was to be hoped, and he desired, by his word firm, that for the future his majesty would punctually perform his promises.

The Lords address upon the Queen's Speech, (beginning her Majesty for her Majesty, for the success of the War with Spain.) The petition to the debate; and a committee was appointed to draw up an Address in the queen, which was presented the same day; and was as follows.

"We, your majesty's devoted and loyal subjects, the Lords spiritual and temporal, in instant attendance, do return our most humble thanks to your majesty for your most gracious speech to your parliament.—The great and resolution your majesty is pleased to shew for the vigorous carrying on the war with France and Portugal, and strengthening the royal authority of Savoy, who has descended upon the whole confederacy, cannot find or desire in the most effectual manner to bring on to us a speedy and happy conclusion.—Your example ought to excite all your allies to noble imitation; and, we are sure your majesty will do your utmost to oblige such allies as hitherto have failed in their part, in the future to act as those who have been concerned for restoring and securing your liberty to Europe. Your majesty's love of all things be the highest encouragement to your subjects; but the real we have for the preservation of your majesty's peace and government, and the duty we owe to our country, has and ever will oblige us to do all that our power, for supporting your majesty in your war, till the brought in a vote and happy conclusion.—And as we have shewn the great and for helping the Union to grow, and preventing every thing that might disturb or weaken our union, we profess your majesty, and that it is possible for us to make it complete cause."

The Queen's Answer.] Her majesty answered:

"I return your many thanks for your address, and the assurances of your real affection in the present war.—Nothing shall be wanting, either abroad or at home, my people rest, and prosper."

Resolution of the Lords concerning Spain. The same day the Lords resolved, That power can be inseparable or safe, if her majesty and her allies, if Spain and the Spanish Indies be suffered to possess them in the House of Bourbon. That as her majesty has made to her majesty, in which her duty she has shewn, and the loss of such a great and powerful ally, the considerable force in the aid of Spain, under the command of prince Eugene, and to secure her majesty, it is her duty to make the most pressing the emperor's and powerful aid under the command of prince Eugene paid that; and so little gold she

“*That*—every person they shall bring before the magazine, who shall be imprisoned, they shall receive the sum of 20 shilling; and that every volunteer who has encouragement to come into the service, do so, on the 1st; and also that her majesty will be pleased to signify her royal pleasure, that the said volunteer shall have his discharge after three years service, if he chooses; and her majesty will be graciously pleased to grant the same allowances and encouragements to such persons as shall voluntarily come into the service out of that part of the United Kingdom called Scotland.”

The Queen's Answer.] The said Address being accordingly presented to the queen, her majesty was pleased to give answer, “That she should have no time in giving orders for such a Proclamation, pursuant to their Address, nothing being more essential to the public service, than the immediate providing the necessary recruits for the army; and that she could not but hope they would take care it should be done, in such a manner as might be effected.”

State of the War in Spain considered.] Jan. 25. The Commons took into consideration the State of the War with Spain; and the reading of the Papers which had been laid before the House having been read, and the question being proposed, “That of the 22,500 English forces provided by parliament, for the service of Spain and Portugal, in the year 1797, there was but 2,000 in Spain and Portugal, on the day of the battle of Almaraz;” a debate arose thereupon, which was adjourned to the 2d of February, when the House resumed it, and Mr. St. John offering to the House an Account of the number of Troops provided for Spain and Portugal in 1797, the same was brought up to the table, and read, and the question formerly proposed not debated, nor, with an amendment, agreed unto by the House, as follows, viz. Resolved, “That it appears to the House, that of the 22,500 English forces provided by parliament, for the service on Spain and Portugal in the year 1797, there were but 2,000 men, besides German and Swiss mercenary troops, and musketeers, in Spain and Portugal, on the day of the battle of Almaraz.” This motion being made, and the question proposed, That an humble Address be presented to her majesty, (having the said Resolution before her majesty) and humbly desiring, That she would be graciously pleased to order an Account to be laid before it at issue, how it came to pass that there were so many English forces in Spain and Portugal at the time of the battle of Almaraz; and also that her majesty would be pleased to use her utmost endeavours, that the war in Spain might be vigorously and effectually prosecuted. It was carried in the affirmative; and resolved that the Address be presented to her majesty by the whole House. Accordingly on the 14th, the Speaker, with the House, attended the queen with the said Address, to which her majesty answered: “*Gentlemen, What you desire,*

shall be carefully examined, and I will send you an answer in a short time.”

The Lords' Address concerning the Complaint against Captain Kerr.] Feb. 7. At 10 o'clock the Lords had under consideration the business of Spain, and the Government of the Merchants. In reference to the first, the Lords expressing warmly their concern in the Complaint against Captain Kerr, presented their Address to her majesty.

“*May it please your most excellent majesty.* We your majesty's most dutiful and devoted subjects, the Lords spiritual and temporal, in parliament assembled, do humbly represent your majesty, that there has been laid before us by Mr. Thomas Wood, in behalf of himself and divers other Jamaica merchants, a complaint against Captain William Kerr, commander of a squadron of your majesty's ships at that island, for refusing to receive for their ships to the Spanish sea America, and in particular, that the said Thomas Wood had offered to the said Captain Kerr the sum of 5000*l.* as a gratuity, if he would order one of your majesty's crew of war to be commandeered, to go as a conveyer to the Spanish ships, and Martin galleys, loaded with wine and other goods of your majesty's subjects. That the said captain knew at the time when he was so pleased with the proposal, and said, the War-rior should be the ship, and ordered Mr. W. to make what dispatch he could to get the galley and ship ready. On which account he got them ready to sail, and sent three hundred negroes to put on board her, and then acquainted Captain Kerr thereof, and with the great charge he was at in maintaining the negroes, and his fear of disease. Captain Kerr then said, his health could not spare a man of war, but the next day sent Mr. Tudor Towner, captain of the Woodcock, to request Mr. Wood, that Captain Kerr might be thought Mr. Wood could have 5000*l.* paid less than 2,000*l.* as he said. Whereupon Mr. Wood declared that he was so, that the trade could not bear it, and so the ship and galley proceeded to voyage without delay, and to deliver the ship, loaded with great wealth, brought by French privateers, and having no crew, and crowding too much into the enemy, was unhappily overtaken and

“*That* the said Mr. Thomas Wood did another complaint, that upon a further account to the said Mr. Kerr, for a return of three ships to send for the said Spanish, he promised to give the Experiment a war, commandeered by Captain Rowley, a pay, for which the said Mr. Wood gave 3000*l.* 4000*l.* paid thereof, was paid and Rowley, and the other 4000*l.* was payable by note to one Mr. Herbert, son of Mr. Kerr, which note was sent to Mr. Kerr, and by him put Herbert's hands, and besides that, and encouragement for allowing the said Mr. Kerr had an advantage of 1

The Queen's Answer to the Commons' Address, concerning the Affairs of Spain and Portugal,] Feb. 25. The last Congresser acquainted the House, That her majesty had been pleased to send by him her Answer to their Address of the 2d of that month; that her majesty would be pleased to deliver the same to the House, if there be place; that there were no more English forces in Spain and Portugal, at the time of the battle of Almanza, and that her majesty would be pleased to see her utmost endeavours, that the war in Spain might be vigorously and effectually prosecuted, and he delivered the same to Mr. Speaker, who read it to the House, as followeth.

"*ANNA R.*

"Her majesty, having considered the Address of the House of Commons, presented to her the 14th instant, hath directed the following Answer to be returned.

"In relation to that part which concerns the prosecution of the war in Spain, her majesty is pleased to request the House, That the restoring the Spanish monarchy to the house of Austria, and thereby the balance of power in Europe, was the principal inducement, at the present war, to her majesty's alliance. That on this success thereof, not only the trade and tranquillity, but even the security of Great Britain, (subject to the Divine Providence) do in a great measure depend. And therefore her majesty can never be wanting to continue her utmost endeavours, as her Commons have desired, to prosecute with vigour and effect a war of such a nature and consequence, or to rectify her aims, upon all occasions, to ensure with her majesty's endeavours in that behalf.

"And as to the Account, how it came to pass, That there were no more English forces in Spain and Portugal, at the time of the battle of Almanza, her majesty cannot but be very much concerned, so that that matter has not been fully stated to the House; and to do and the most may be set in the clearest light, for the satisfaction of herself and her subjects, she hath caused an enquiry to be made of the regiments, that were intended to compose the number of 22,743 men, mentioned in the Address, (to which number are included officers and their servants, making a full fourth part of the whole, according to the establishment and allowance always made on the treasury) and how many of them were in Spain and Portugal in January in 1704-5, when the resolutions were taken to make provision for their pay, and what regiments have been sent thither since that time: whereby it may appear, what number of men could reasonably be expected to be in Spain or Portugal on the 14th of April, 1705, when the said battle happened, and what diligence hath been used towards making up the said whole number, for which provision was made by parliament. Upon which enquiry it appears, That the said body of 22,743 English forces, were intended to consist of one regiment of horse, five regiments of dragoons, and one and thirty of foot, in all thirty-seven regiments.

"That the said 37 regiments were to be made up of new recruits of horse, five regiments of dragoons, and nineteen regiments of foot, which had served in Portugal and Spain, under the respective commands of the duke of Peterborough and Galway, and most of the same, being engaged in 1704-5, were not recruits of dragoons, and ten regiments of foot, which had been sent the year before last, yet, under the command of the said duke, and if they had arrived complete in Spain would have amounted to 2,503 men; and two regiments, making together 1,120 men, which were designed to be new recruits of foot: so that in case all these 37 regiments could have been complete, they would have made up the said whole number of 22,743 English forces, including officers and their servants.

"Her majesty is further informed by her majesty, who was lieutenant-general, and Sir Wade, who was adjutant-general, that fifteen regiments which had served in Spain and the earl of Peterborough, and those which served in Portugal and Spain under the duke of Galway, the officers and their servants, with private soldiers which remained in those regiments at the time of the said peace, namely parliament, did amount to the whole 1,120, besides 1,700 prisoners, who belonged to ten regiments, in all 12,800 men, as there were sent to France, although in the years 1704, 1705, and 1706, several recruits, amounting to 240 men, had been sent into Spain and Portugal: thought, made out of the standing regiments of England and Ireland, as a particular service of Spain, and never proceeded to other use, but once to the West Indies.

"That as to the said regiment of dragoons, and ten regiments of foot, which were sent the year 1704, under earl Rivers and the duke of Devon, and consequently were sent afterwards to Spain for immediate service, the earl Rivers received her majesty's command to certify, that he arrived with them in the bay of Valencia about the latter end of January, 1704-5. And although these regiments, when they sailed from Turkey for Spain, were by draughts completed to the number 2,267 men, including officers and servants, and if that number had arrived in Spain, would have made up about 27,224 English forces: yet were only the strength of the said earl Rivers in Valencia, they were found reduced, by death or otherwise, to about 1,000 men, including officers and their servants: so that therefore it was thought convenient, at the beginning of the year 1705, to take the number of soldiers which remained in the regiments of foot, then in Valencia and Catalonia, to contribute them towards filling up several out of the regiments that then, and the officers of the said ten regiments, which officers of the late earl of Barrymore's regiment of foot, (which had the year before conveyed into one of dragoons by the duke of Peterborough into England, to make

"We, your majesty's most dutiful and obedi-
 "ent subjects, the Lords spiritual and tem-
 "poral, in parliament assembled, do humbly
 "request your majesty, that, early in the ses-
 "sion of parliament, a Petition of several
 "merchants, on behalf of themselves and
 "others, traders of the city of London, was pre-
 "sented to your Majesty, whereby they complain-
 "ed of great losses by the ill-managing of Company's
 "and for want of care; so that they did
 "no longer engage the remainder of their
 "ventures to carry on other several trades, un-
 "less immediate care was taken to remedy
 "those two main causes of their misfortune.—
 "The Petition containing Complaints of great
 "inconvenience to your majesty's subjects; and
 "we being sensible, that nothing but a strict
 "and impartial enquiry into matters of fact,
 "could put them in a day light, and enable us
 "to distinguish between ill-grounded clamours,
 "and a just cause of complaint, in order to
 "take the most effectual method of doing right, and
 "fully informed, did refer the Petition to a

the whole matter before the queen, as an Ad-
 dress; and then the Tories discovered the de-
 ceits, that they drove at. For they moved in the
 committee, that prepared the Address, that
 the blame of all the Mismanages might be laid
 upon the minority, and on the colonel council. It
 had been often made in the House of Lords, that
 it was not intended to make any complaint of
 the House itself (the Lord High Admiral); and it
 not being admitted, that his Council was
 of a legal constitution, the complaining of them
 would be an acknowledging their authority;
 the blame therefore could be regularly laid on
 where, but on the minority. This was much
 proved by the date of Buckinghamshire, the
 earl Rochester, and the lord Haverham. But
 as this it was answered by the earl of Oxford,
 the lord Somers, and the lord Halifax, that
 the House ought to lay before the queen only
 that, which was made out before them upon
 oath; and therefore, since in the whole En-
 quiry the minority and the colonel council
 were not once named, they could offer the
 queen nothing to their prejudice. Some of the
 things complained of follow the Navy-Board;
 which was a body acting by a legal authority.
 The Lords ought to lay before the queen such
 Mismanages, as were proved to them, and
 leave it to her to find out, on whom the blame
 ought to be cast. So far was the minority from
 appearing to be in fault, that they found several
 advertisements were sent by the secretaries at
 visits in the admiralty, which, as appeared af-
 terwards, were but too well grounded; and
 yet these were neglected by them; and that,
 which caused the damage higher, was, that,
 during the winter, there were no cruises lying
 in the channels, so that every ship, which had
 run through all dangers at sea, were taken in
 a pile of lead; for the privateers were up boldly
 to our ports. All this was digested into a bill
 and clear Address laid by the House before the
 queen." *Final.*

"committee, and did also refer to the joint
 "committee several papers, which the House
 "had found necessary to call for from the pri-
 "vate officers, for their better information in the
 "very things relating to the Navy.—The com-
 "mittee having prepared a Report, and pre-
 "sented it to the House, upon a future ses-
 "sion, it was approved and agreed to, that
 "we think it our duty humbly to lay the same
 "before your majesty.—The Lords Commis-
 "sioners have heard many of the Petitioners
 "their suits, and have caused them to put
 "their depositions into writing, and sign the
 "same."

[Here follows the First Report.]

"The Lords Commissioners observe, that the
 "complaints of the Petitioners exactly fall un-
 "der several heads, for the greater ease of the
 "House, have endeavoured in their report to in-
 "duce the evidence to the following method
 "always referring, as they proceed, to the depo-
 "sitions themselves.

"One thing complained of, was the small-
 "ness of Company's apparatus for the merchant,
 "whereby their ships had from time to time be-
 "come a prey to the superior force of the
 "enemy.

"A second point was, The merchants suf-
 "fered great inconvenience by their long lives
 "to wait long for Company's, even after the war
 "proceeded and pursued for their sails &c. whereby
 "the charge of new work's rigging and various de-
 "murrage in shipping, damage of goods, and loss
 "of markets, made trading unprofitable.

"A third Ground of Complaint, was, The
 "extensive and unreasonable sailing of Company's
 "ships made (to the West-Indies, exposed)
 "them to a number of losses.

"A fourth was, The great want of cruises in
 "the Channel and Sea-roads.

"A fifth Complaint was concerning the at-
 "tempts privateers of the capture of the
 "queen's ships of war, in capturing some out
 "of the merchant-ships in the West-Indies; it
 "was upon their return into the ports of Great
 "Britain, to the endangering of money, and loss
 "of several ships.

"In order to make out the first Head of
 "their Complaint, during to the incapacity of
 "Company, they gave the following Relation.

1. In June, 1704, a fleet of merchant-ships,
 "under convoy of the *Orpheus* man of war,
 "bound for the West Indies, were attacked by
 "the *Neptune*, and the *Ginsper* and other
 "one of the merchant-ships were taken.—
 "The *Lark* fleet, under convoy of the
 "man of war *Wasp*, were attacked in Nov-
 "1705-6, and lost 14 merchant ships and 2
 "Sloop-ships.—3 The *Ne-Island* fleet
 "convoy of the *Redhead* and *Madog's*
 "were attacked in April, and some of them
 "—4 The coming convoy was attacked in
 "April of the *Land's End*.—5 The com-
 "ing the *Queen*, consisting of the *Hampton*,
 "the *Royal Oak*, and the *Grafica*, sailed
 "in May 1706, and the next day were at-
 "tacked by the *Neptune* and the *Ginsper*.

Channel, and the Hampton-court, and then, and about 40 merchant-ships, sent by the Danish squadron.—A fifth was, that of the Russian ships outward this year, which was attacked by the Danish squadron, and 18 of them taken.—Further, in respect to the Russian Fleet, the merchants informed their meetings, that on the 12 of April, the governor and a number of the Moscow company, attended the court, to consult what course was approved to conduct their ships to Archangel.—They were told their convoy should be one fourth, and two fifth rate ships.—Upon their representing their fears of danger from the Danish squadron, it was told them from the court, they need not be under any apprehension on that score, for the Danish squadron was gone westward; which proved not true, for on the Thursday following, the Hampton-Court, Graham, and Royal Oak, sailed out of the Downs with the ships under their convoy, and the next day, being the 2d of May, fell in with the Danish squadron.

To these the Losses and Disappointments yet have lately happened to the fleets of the Moscow company, Mr. Dawson acquainted the lords with the substance of a petition lately presented by the Moscow company to the Prince's council, and upon his oath assured their lordships of many losses, in order to make good what was contained in that petition; but these facts being not particularly set down in his deposition delivered to these lords, and agreed by him, we receive a notice of them in the report. The merchants also declare, that an error might be taken of the Gazette of the 10 of May last.

The merchants intimated in the convey did went with the king of France's houses, and many other merchants ships, which were seized the 10th of October last, by the Danish and French squadrons joined together, who became at war with us, and took three ships, with about 50 of our merchant ships.

A new ship, the merchants produced the Gazette of the 2d Nov. 1708. These several convey having been thus attacked in the Channel, and cleared in less than a year and half, the merchants intimated, was a considerable improvement of their sufferings.

The second Head of Complaint was, of the discouragement and prejudice to Trade, the merchants being under a necessity of being so long for convey, whereby their losses were exceedingly increased, great damage happened in their cargoes, and their profits were lost. They said, if any of their ships happened to escape the enemy in their passage home, their losses were much heightened, for they lay long for a convey in the river; though very much and long complained of, yet seldom met with any redress.

The substance of the damages arising by the want of convey, was, that several of our merchants had orders in July, 1706, for having a quantity of corn for the King of Por-

tugal's use, and had assignments on the treasury for 100,000 pieces of eight. Accordingly a great quantity of corn was bought in July and August, and frequent applications made to the Prince's council for convey, and they promised them time to time to take care of it; but the convey did not sail from Portsmouth till the 24th of February following, and seven months after they had orders. And in this delay their corn was in a very bad condition.

The merchants had an order from the king of Portugal to the same purpose the year before, but then they had worse success in getting their corn conveyed to Portugal; and by these disappointments the Portugal court was discouraged in sending orders for more corn from hence, not only by reason of the great disappointment, as it is true, but by the spoiling of the corn, whereby our corn was brought under great damage, and they now supply themselves with corn Holland's, and thereby the Dutch not only reap the advantage thereof, but, as the corn comes chiefly off them from the Baltic sea, it was great advantage to their trade and navigation.

The 15th of March, 1707, a fleet sailed for Portugal, but there was then a prospect given, that there should even go another convey. This encouraged the shipping of great quantities of corn, and woollen manufactures; and the best of the weather coming on, pressing applications were made for that convey but without success.

The 18th of August, the great fleet sailed from Portsmouth, but took no merchant ships under their convey. The merchants having continued petitioning, till about the latter end of September, then told the Prince's council in plain terms, that if they did not grant a convey immediately, the goods aboard their ships would inevitably perish in port. At that time they presented the Norfolk and Warrington; the merchants prayed a small ship might be added to see these ships safe along the coast of France, but that was denied; and the Prince's council told them, the Warrington had orders to that purpose.

The merchants acquainted them, that a large ship at that season durst not venture to see the shore, as was necessary to protect the trade from privateers lying near the shore, and did also represent the danger to which the main fleet of merchant ships, bound for Lisbon, would be exposed, if they proceeded with a single man of war; but this was not regarded; so the merchants were forced to submit, having some chance for saving their cargoes, if they proceeded; whereas they had none, if they continued longer in port; for not only their corn would be spoiled, but all their woollen manufactures were in danger of decaying by the heating of their corn, as had been often experienced.

Soon after, a report came, that a French squadron was crossing in the Channel, and an embargo thereupon was laid on that day. The Portugal merchants divide up a remonstrance,

representing the great hardships they had suffered: but it happened at the same time, when the reconstruction was presented to the House's council, news came, that some Dutch homeward bound West India ships, arriving with contrary winds in the Channel, had been taken for French, and were put into Portsmouth. Upon this, the merchants pressed they might proceed without delay, the news of the embargo being removed: but the Board seemed displeased with their reconstruction, and told them, the embargo had been laid by the Prince, and could not be taken off without his direction; and that his highness being then in Newmarket, it must take up time before such an order could be sent: but, if they would stay a week longer, the Prince should be added to the convey, and the Queen, if she could get up to town; to which several of the merchants did agree, and were obliged by the Board to sign a paper to that purpose.

The fleet sailed the 16th Oct. with the Norfolk, Warpage, and Carter, but the Nassau did not go: which the merchants said, was only for want of necessary orders; for the fleet was not under sail till three of the clock in the afternoon, and the Nassau came to Spithead before night.

By reason of the insufficiency of the convey, several ships were taken out at the first near Portland, and afterwards the fleet meeting with bad weather in the Bay of Biscay, the Warpage and Carter came back disabled: whereas the merchant ships (except some few, which had fallen foul upon each other) proceeded to Lisbon with the Norfolk only: but several more ships were lost out of the fleet by the weakness of the convey, and two men of war, out of order, being disabled, and forced to return, they thought it reasonable to conclude it could not be without some considerable defects in the ships, when they went out.

Another instance (mentioned upon, was, that a great number of merchant ships having gotten into Portsmouth from Jamaica, Virginia, New England, Antigua, Lisbon, and other parts, in December, 1706, at also many others; all now were detained there for want of convey in the Downs, from that time in the 24th of April following, being between five and six months, although frequent applications were made to the Prince's council, for delivery to the Downs, from the masters there, and the secret at London, and many process given; and yet during that time, many of her majesty's ships lay there in harbour, and several men of war passed by from Plymouth, without calling for the merchant ships which lay there. Sir Thomas Hardy, with the East India ships, and other ships from Ireland, passed by without calling in.

When these merchant ships came into Portsmouth, the Southampton lay ready fitted at Spithead, and attended there two weeks at least, and the Angleson lay there a considerable time ready fitted. During that time, several frigates sailed from Portsmouth, and cruised up as far as Deal, and other several frigates of

the Downs, but, for want of necessary orders, ships with them. Whilst these ships lay there for want of convey, there were no more following men of war, many of whom were a considerable time in The Anchor, the Amazon, Salsbury, Warpage, the Nassau, the Ruby, the Phoenix, August, the Queen, the Albemarle, the Prince, the Duke, the Nassau, the Prince, and the Albemarle. Some of them were kept, during the winter months, which were very frequent, might have been obliged to have seen these ships, lying about 50 miles out, to the Downs, which was within about 100 miles out. All this while the merchants lay a great charge, besides the damage to their cargoes, and the loss of many of their vessels in the following season.

About the 10th of February, the Ruby and the Phoenix, appointed as a convey for them, gave making orders, but were again countermanded, and the Ruby went into the dock to clean. Afterwards, upon further importunity, the August was ordered to join the Ruby and the Phoenix; but instead of going for the Downs, they went first to fetch the countries from Topsham, and then came to call for the ships in Portsmouth.

About the beginning of October, 1706, Mr. Coward and Mr. Jones got several ships brought to the Commissioners of the Victualling Office, for the queen's service directly to Jamaica: being told, the convey would be there, they were bound by charter-party to be at the Nassau the 15th of November following, on penalty of 1s. per ton freight. These ships were ready, and the wind was fair, but they were detained for the convey, and carried from place to place, from the Downs to Portsmouth, thence to Plymouth, thence to Ireland, thence to Barbadoes and Antigua, staying at each place, so that they arrived not at Jamaica till the 2nd of June last, to the ruin of their voyage, and lost ships, of which they just then had an account, that they are lately come back to Ireland.

Mr. Coward, the 11th Feb. last, brought to the Commissioners of Victualling for the queen's service for Lisbon, the Walrus-stow galley, (and as he was bound by charter-party, under the same penalty) and ready by the 1st of March last, but was detained till the end of August, before he sailed from England.

Captain Ruse appointed all the ships at Jamaica to be ready to sail the 1st of August last, but then he made them wait till the 15th of August, and after, with his convey, till the 1st when he was.

Mr. Palmer, in 1706, had a part in a ship called the Ruby, laden with corn and other goods for Lisbon; and, in company with many others, was conveyed from the Downs to Portsmouth, by the Lockfield prize; but for want of orders, she could not see them at Plymouth about 10 hours and farther, when they should have joined Sir Cloudesley Shovel's fleet, bound for Portugal. Upon this, the merchants made many petitions to the Prince's council, and especially with the address, (being sent in

asserted in his deposition. Mr. *Stewart*, afterwards, in the name of the merchants, attended the Prince's Council, and asserted, that, without speedy remedy, should the ships could be sent to the West Indies, that no country could supply, and at last, by a violent storm, began, about 20 and 25 thousand, to desert from the ships, and to return home.

At length, the merchants presented a petition, in the name of the merchants, to the House of Commons, in the following words: "A petition of the merchants of the West Indies, who are well arrived at Great Britain, in the last of January, and in the month of February, that the merchants should be allowed to depart on short passages, most extremely to reduce the Planters, and which the parliament thought fit to encourage by passing an act that would for the purpose of the prohibition of exporting here.

And because of the merchants' complaints, that by the continuance and continuance proceeding of contrary, especially to the West Indies, they were very great and necessary accounts. By arriving there at an improper time, in the last, early, and rainy season, a great mortality is occasioned among the sailors, which proves a loss of their voyage, for want of health to bring home their ships, or put them to vast charges to purchase new ones. The same cause obliges the sailors to the West Indies to return in the winter time, when they commonly meet with a cold and heavy weather, which is often the cause of their separation from their country; and being well provided, and attending all the necessary, and not the merchant ships, being for the reason, generally but weekly in the West Indies, and so are left in distress to the mercy of the winds, or the sea, for want of a ship to receive them, or a shortening sail, and the use of the sea.

An instance of this was alleged in the last voyage from Jamaica, which came to the assistance of Captain Keen, with three vessels, the *Beagle*, the *Handford*, and the *Mermaid*, and a fire-ship; one of which, the *Mermaid*, came alone to Plymouth, the *Beagle*, and a fire-ship, to Plymouth, and the *Handford* did not arrive at Plymouth, but not being able to return, except a small ship to New York.

The merchants observed that if the contrary should give, or failing in the night, or any other accident, they could hardly be recovered, for of shore company and the loss of the ship, that the country were all lost, and the country of Plymouth, and yet Mr. *Stewart* observed, that the merchants were to be blamed.

The House of Commons complained, that the ships had long been in a great disadvantage. The House of Commons, 1708, May 17.

placed themselves to the Prince's council, complaining of the many losses in their fleet the preceding year, which had in a great degree disabled them from sending another this year; that that however, depending upon the then reported assurance, that they should be a safe in this country or depart only, and more particularly, upon an order sent from that board to the Jamaica Council, That the merchants should get their ships ready to depart by the 20th of January, at farthest, they had proceeded with many persons to let their ships go to Jamaica. Accordingly, they were tried out with great expedition, and sent out at extravagant wages. But, after all these preparations, their ships, now fitted, had almost two months beyond the time promised, for want of a contrary.

The 20th of March, the merchants, no more in despair, sending the House a memorial given them, petitioned the royal highness, that their ships might depart with the first opportunity found out of their channel; adding, That if that fleet should necessary by their late going out, and return, they depended of getting ships to carry on the trade the succeeding year.

It appeared, that they were delayed till the beginning of May, and the all success thereof increased the merchants' apprehensions, for the greatest part of the fleet, being separated from their country in their return, were lost.

Thus by these and many other hardships, the Jamaica Trade is brought to almost a stand, this whereas at the beginning of the war, their fleets have, have consisted of 50 or 60 ships, when they were lately reduced by the Prince's council, that a sufficient company should be ready to depart with their fleet in a proper time, they were obliged to request the board, that they had not but one ship in loading.

They also said, That, without more speedy remedy, they would be quite disabled to make any further efforts, to carry on the hopeful Trade begun to the Spanish West Indies; upon account whereof more woollen and other English manufactures were shipped to Jamaica for that Trade, than had been in several years before.

In respect to the Virginia Trade; In Oct. 1705 some ships sailed for Virginia, under command of the *Woodward* and *Adams*, who were ordered to stay there till reinforced from England; and the merchants were then promised, that the *Commerce* and the *Mermaid* should sail with the first that went in January following; but these ships did not sail till May, 1706. The delay was the cause they did not reach Virginia till August, at which time the greatest part of their fleet had been seven months in their voyage. By the length of the voyage, their whole freight was expended in wages, victuals, and other accident charges. 2. The ships being there almost two whole summers, several of their bottoms were perished by the worms, which in those parts do always eat in the summer months. 3. To complete their misfortune, they that formerly sailed a winter per-

age home, and by the badness of the weather, six or seven or more ships were sunk or foundered in the sea, and almost eight thousand hogsheads of tobacco lost, other ships with above two thousand hogsheads of tobacco more, were taken and carried into France; and other ships were forced back to America, and some returning without convoy, were lost, and not heard of.

The particulars of these losses are assigned to the Deposition given in by the merchants, and thereby it is alleged, that the public service has suffered above 100,000*l.*, besides the very great loss to the particular persons concerned.

It has, it has been the last winter represented by the Commissioners for Trade, that it was necessary a convoy should go to Virginia in the spring, to fetch the ships which should be there, and that they should stay there 30 days after their arrival, to collect them the better together, a great body of ships which had taken stores, &c. for Liberia, upon her majesty's account, were thereby encouraged to go from thence to Virginia, and many other ships went from London directly. The most of these remained at Virginia in September last, expecting the convoy, and will now be obliged to come home without convoy in the winter season; for though the last spring her majesty in council ordered a convoy to be sent in August, to go for Virginia, yet they still remain at Portsmouth. By this the Virginia ships will be forced to be all winter in Virginia, and come home again in the winter, and thereby not only the merchants' losses and damages will be very great, and the revenue suffer much, but there is should this first, for greater quantities of the woollen manufactures, for the winter clothing of that country, than has been usually sent to those parts, which now cannot arrive till the winter be over, and the market poor, and necessity will justify those people for withdrawing our manufactures, which many of them have already fallen into; the ill consequences of which the merchants submitted to the consideration of their lordships. They also said, That, for some years past, there had been no freight appointed to take care of the Virginia cargo, for want of which, many ships have been taken, going in, and coming out, by the French privateers. These merchants prayed their lordships to see some means, that the trade of Virginia may be guarded, proper convoys appointed, and the merchants have due notice thereof, and that where they might neither be delayed nor distressed, and that the admiral's protection might stand good, till the ships were arrived in the proper parts of discharge. A fourth Head of the Merchant's Complaint was, the great want of cruises in the Channel and Soundings. Mr. John Wood informed their lordships, that in the space of 16 months last past, he had been concerned in seven or eight freight of several ships that loaded corn in the port of Sandwich in Britain for Holland

and Lisbon. The *Uranus* frigate was ready to sail for Portsmouth in October, 1802, but the coast was so infested by privateers, that she could not, without apparent danger, proceed to Portsmouth, though only eight or ten leagues distant. Sheupon learned other vessels, in like circumstances, made frequent applications to the French council, for a convoy to be sent to convey those ships, but they from time to time delayed to order any ship to call at Sheerness. He said, that upon application the French council told them, that they had only some thirteen men of war, too large to be on duty coast, except a frigate of about 20 guns, such admiral Mitchell and they might have; but admiral Churchill said, if this was so, he would certainly be taken. At last Mr. Wood despatched an assurance, after waiting six months (the ship lying at great charges, and having so lost a profitable commodity) notwithstanding the apparent hazard, directed the ship should sail for Portsmouth, but they were soon chased by three privateers, and were got under the guns of Englishmen, but found little protection there, the guns being not in order, and there being no powder to charge them. Last night coming on, and the weather bad, and the privateers standing off to sea, the *Uranus* frigate, by the favour of the night, weighed and stood for the Downs, and by the drawing of the day was got up with Beachy-head, but there fell in with several privateers, who chased her under the guns of Havengood, where then lay a tender to a man of war, with about an 100 untrained men, which could not stir out, either for the *Doris* at Portsmouth, for fear of the French privateers, which were very numerous on the coast, and almost constantly cruising between Beachy-head and Sheerness, without interruption from our men of war. Some days after, a convoy coming from the westward with some ships, the *Uranus* frigate joined them, and got into the Downs. The same Mr. Wood, in the month of April, May and June last, was concerned in several other ships freighted with corn, in the same port of Sheerness, for Lisbon and Holland; but there also he did not dare to suffer his ships to sail out, the coast continued still infested with French privateers. There was also, at that time, in the same harbour, a vessel laden with timber for the use of the navy, which was said to have lain there three or four weeks for want of convoy to Portsmouth. At last, upon frequent applications to the French council, a convoy was sent, and the ships went out; but soon after they had passed, the convoy ran away, and left the ships, upon a report that the Danish squadron was upon the coast, and the ships were pursued by privateers, and with great difficulty got to Portsmouth. The privateers continuing to infest the coast as much as ever, Mr. Wood refused to be further concerned from the port of Sheerness, and has not heard of any corn exported since that time from that harbour, which is a great disadvantage to the country there.

ships, the price of corn there being 30 or 32 per cent cheaper than at any other place which he nearer Portsmouth. Mr. Thomas Palmer reported, That within three years he has lost in the company in the Channel and Soundings, a large part in three running galleys, upwards bound to the Straights, and in no other time, has lost as much company home, as would have paid for many more thousand pounds custom. The Pilgrim galley, taken with six, was taken in the Soundings, by three privateers. The Providence galley, taken with six company, and seven sails, lost and in, bound to the Straights, worth near 10,000*l.* was taken off of Dungeness about five hours before the Downs, by three or four large Dutchers. The Metal galley and Fly galley, going out in March last in company with the London galley, they were chased off of Beachley-head by three privateers, who took the two first, the London narrowly escaping, as he was returned from Plymouth by the night, who informed him in the same letter, that a several ship put in there, and had been loaded above a dozen times in one day by French privateers.

The 15th of the same Month, several merchants made a remonstrance of their losses to the French's council, who told them, They were an expert company for their running galleys. They replied, they did not, but desired answers might be appointed for the Channel and Soundings, the running galleys being now the vessels which chiefly carried on trade; and that if once better care were not taken, even the men of war would be in danger in the Channel. The merchants were directed to leave their remonstrance, that it might be looked upon as a full hand, but it had no effect. The same week, the London, going out in company of the Hambride and Fleet galley, the London was taken, and the Hambride blown up in a fight off of the Land, and the Fleet galley only escaped.

The Antelope galley, taken with lead, tar, and mackish for the Straights, was chased off of Beachley-head, by the Lyons and Chappot men of war, under Dutch colours; the master told them to be account, made the best of his way for Hastings; then the men of war being English colours, but the master not knowing to colours, unfortunately ran the ship ashore. The wooden case above 1000*l.* was her loss Rye, and above twice as much more, upon the account of loss of wine, she being returned there by the seizure of privateers, as appears by several of the master's letters of the several days.

The 14th of Oct., there were two privateers sent a snow off that harbour. The 21th, a privateer off that harbour. The 22th, a ship of 50 guns within three miles of the harbour. The 25th, four French men of war at anchor within sight of the town. The 28th, a fleet passed by, with which the master would have fought, but could not, because three or four French privateers

between them and him, and seven more in sight. The 30th, a Dutch sloop was chased in there by seven privateers. The 31st of Nov., a sloop came into that harbour, which had been taken and returned coming from Lisbon, and afterwards loaded and plundered by several French privateers in the channel. The master of the sloop gave an account that three privateers were lying off the Isle of Wight, three off of Beachley, and two or three others off of Rye. The 1st of November, six sail of French ships, and a sloop lay in sight of Rye, and the sloop was come within a mile of the harbour, right in the Channel. The 12th, a gentleman that rode along the coast near Beachley's sandbars, and several privateers coming off of Beachley. The 17th, another master saw eight sail of French ships off the Downs, who were seeking their course very frequently to observe what was a doing.

The merchants desired to submit it to the consideration of the House, if there be a probability of carrying on trade under such difficult circumstances.

Captain Winter came in the King William galley the 14th of March last from Calcutta, in company of the Pearl, the Hammer, and the Lodeston galleys, and at the Straights month they joined the Sea-Horse and the Sandalwood. The 21st of March, they were pursued by four sail, but escaped them by tacking in the night. Upon the 9th of April, they had sight of Beachley-head, and soon after five sail of privateers, lying under the land, bore down upon them, who all made the best of their way; but the Lodeston and the Sandalwood were taken, and the Hammer and King William were pursued within two leagues of Dover-Castle, and the privateers would have followed them into the road, had they not seen a great ship ahead of them, standing in for that place. And though the commanders in such great numbers, that it is very hard for any English ships loaded homeward to escape, yet Captain Winter said, he did not see one English answer throughout his whole voyage.

Mr. William Wood, in order to satisfy the lords that few or no cruises had been employed, gave an account of many ships taken and wrecked at sundry times, some within a few hours end of the same Thames, &c.

Off Beachley or Dungeness in December, 1706, Date galley, Phoenix, Mary galley, Betty galley, taken in company of the Pearl galley, Lewis, Greyhound escaped.

Off Plymouth in December and January, Volant, Hardin, George, Berkeley galley, taken together. Taurus and Page escaped.

Off Dungeness in January, Trunkall galley, taken with 10,000 pounds of eight on board.

Off Dungeness in March, Maid galley, Fly galley, taken. The London at that time escaped.

Off Beachley-head in March, Anne galley, Eagle, taken. Neptune, Phoenix, Mary, Hooker, escaped.

¹ In April, 1707, Swedish, English, and other ships, in company of the *San-Huon*, French galley, *Blanc*, King William, captured.

² In 1704, ten or so ships arrived at the port of St. John's, but the French traders lost 10 ships in the *Longue*, and 10 more.

³ For George Lloyd and Admiral Jackson in January, 1706, were at sea on the 1st October following during which time the English ships were pursued, and twenty of the enemy's privateers and merchant ships were taken, but from that time till October or November 1706, very few ships were captured. Then for Thomas Hardy sailed with a fleet of war, which all wintered in a harbour, and soon after sailed for Ireland, and was within the Downs in February or March, where which time the merchants here had no knowledge of any ships coming till September, 1707.—Mr. Wood told their lordships that the account he gave, was the best he was able to procure of the number of Cruisers employed, and the time they have been in service since October, 1703. Thomas Pape, commander of the *Libinith* galley, said, that being bound for London from Tunis, he had sight of Beaulieu the 24th of November last, thence he stood down and in the Eastward of him, and stood from thence, but soon after seeing three more near his wake, and having tried their sailing, and finding he could by no means escape, he being so encompassed, he saw his ship on shore at East-Beach, on the coast of France, at length of some assistance; but two of the privateers came and anchored within pistol shot of the ship, and, by firing forced the ships company to get on shore, after the best defence they could make, having first endeavoured to divide the ship, and put fire to some of the masts, but this company was so near, that they were gratified the fire; and, by the help of the rising water, got off the *Libinith* galley and carried her away.

⁴ Mr. Pape said, that while he stayed at East-Beach, which was two days, he saw six or seven privateers coming off and on, several very near the shore; and was informed by the people of the place, that, for four or five weeks past, they had seen French privateers almost every day, sometimes to the number of sixteen, but mostly eight or nine at a time, and some of good force.—He said, by reason of their great numbers, and coming in the narrow of the Channel, it is very difficult for any ships to avoid falling into their hands, especially near there are no good harbours or ports to harbour them, near that place; and the enemy's harbours of Dunkirk and Calais are so near, and so few English cruizers in the Channel to intercept the said privateers and their prizes, which makes the ships companies to attempt that for running on shore to save their liberties.

⁵ Captain George Goddard told their Lordships, that he had seen, at St. Ubes in London, in the *Leach* Captord, on Sunday the 10th of November last, a vessel seized by enemy vessels, the *Palmer* and *Leach*; the same

day he saw three French privateers take a Dutch ship within three miles of Freshwater Castle. On Thursday he lost *Palmer*, and on Friday he saw two vessels which chased him into Freshwater Bay in the Isle of Wight, but, night coming on, and the weather very thick, he was obliged to return the land and thereby. On Friday the 22d, he made Beaulieu Head, and, on account it was day, were a French privateer under his lee, and so a ship, was under his lee, and three more at his lee, and two more a league off him, which made him resolve to go to sea, as he thought, being very poor land. Then this, the privateer, put up English colours, which made him believe for some time that he had a ship released, but soon of these privateers all he saw was, and coming upon him, he perceived his vessel, and disabled her all behind, that they might not carry her off, and then went ashore at a place called Freshwater, and was in the town and got a great assistance. The privateer came to an anchor, and fired upon them, and the shot went above an half a mile into the country. He said, if they had not given gun, they might have saved their vessel, for it was about five hours before the privateer had her shot.

⁶ The two following days (which was the time he stayed there) he saw from the shore six privateers. He affirmed, that in his whole passage he did not see any English man of war.

⁷ The merchants are so account of the real advantage of the Mediterranean trade, which, for a considerable time, had been carried on with great success, by mule galleys, without putting the government to the charge of money.

⁸ Mr. Gould informed, that beside the Turkey trade, and trade from several other places in the Mediterranean, the merchant *Leighorn*, *Venice*, and *Genoa*, did sometimes about 300,000 sterling per annum; and an account was also given to his lord, in particular, of the very great annual export to *Leighorn*, alone, consisting of our manufactures, goods of our native growth, and other necessaries; which trade had continued for many years, while our channel was better guarded; but of late it is in a manner quite interrupted for want of cruizers in the Channel and *Leighorn*, and many such ships taken there. He mentioned, in particular, the *Monarch* galley from Turkey, worth above 50,000 sterling on the boardings; the *Moderne* galley from *Zara*, taken off Beaulieu Head, in the *George* galley, taken in the Channel; the *Royal Anne* galley, taken in the Channel, where she had made boards for about 100 days together without seeing any one to help her; the *Frederick* galley, taken on board, taken near the Downs.—He said, he desired nothing more, though he could mention several others, the rather, because some of them are included in the great list of merchant ships given in to their lordships, amounting to 1100 ships; but, in order to show the difference, when any ships were taken for cruizers, he

captured a lot in their lordships of 28 and of 20, as is found from Loughs, which arrived off us without success, from September, 1702, to October, 1704, whilst there were some vessels at play.

The next great foreigners that approached us were for the great neglect of the common duty, and to this purpose we printed two letters from his excellency at Loughs, one dated the 19th of September, in which, after taking notice of the state of the French ships, it follows, "Seeing the French will be with us many of our country, we begin to suspect there may be some foreigner among us." And another letter, in which (except other things) it is said, "They have received a lamentable account of the taking of the ship, by which they observed there had been strange management in our common affairs, seeing we can gather so much of our home."

He also produced another letter from Plymouth, dated the 19th Nov. last, wherein it is said, That the French privateers are so bold to come in our very mouth. About ten days since, two of them chased a Dutch man from Mount-bay into our very harbour near Penzance, where there was a sharp dispute, and some shots of guns fired. There was at that time between the island and the main, the three Welch Loughs, but neither of them fired, having no orders; however the Dutch man fired his ship, but this is enough, and he took us so much by a subject. — Mr. William Coward said, he believed that the list of ships burned and added of merchant-ships lost, even as to their lordships, was very little of the whole number.

Also the Fifth Lord of the merchants complained concerning their hard usage, in having their own impressed out of their ships in the West Indies, as also upon their return home, by the captains of the queen's ships, to the very great loss and danger of their ships and merchandise, several instances were laid before their lordships.

The Goodly frigate, Joseph Dorell, master, arrived at Jamaica in September, 1703, and when he went to wait upon the governor, Philip Daughen, of the Norwich, expressed his of his brethren. The master waited on the captain, and showed him his protection, but Daughen told the master, he had twenty-five men, and his orders from the Admiralty were to press every fifth man. And though the master represented him, that some of his men were sick, and that he really wanted men to go to ship home, yet he could not prevail but to press twenty; the captain telling him, if he would, he could take away all his men, and burn the ship in ship, unless he would pay him the wages of the men he had to impress. Upon Dorell's arrival at Plymouth, his men were again impressed. The captain of the Norwich, and the extraordinary ship, was pressed thereby, and the ship of the ship, amounted to near 1,000^l loss in the crew and merchandise in that voyage.

In a second voyage to Jamaica in Nov. 1703, by the same ship, Daniel Bright, master, several of his men were impressed, and the master forced to leave without any commanding men, and to take French privateers on board his ship, and his ship home. And upon his arrival at Plymouth the 24th of April, 1704, all his men were again impressed, and the ship, and his ship, were impressed, and taken from him by one Sanders, a mulatto privateer belonging to the Oxford, and other privateers, so that his ship lay in danger, and he could not have brought her to London, but by the help of a Dutch man of war, who forced it home with two men, after he was refused by all the queen's men of war, to whom he applied in every place where he came, though in vain.

In July, 1704, the Broadbottom galley, John Sampson, master, arrived at Jamaica, where captain Ross, of the Norwich sent of war, pressed five of his men, whereby he was disabled (though fully loaded) to sail in company of a ship of good force, which she sailed for London; and with great difficulty, and after long delay, (with much damage and danger to the ship in the storm) the master got four men more, two of his own line, before pressed from him, for which two he was forced to give captain Ross a paper of acquittance, charged at 25^l. But the ship coming home, by long lying, was lost on her passage home, in the Gulf of Florida, which loss in the ship and goods was computed to amount to 2,000^l to the owner, Mr. Coward, besides the loss of several other merchants.

The Swallow frigate, John Winkler master, arrived at Barbadoes in April or May, 1703, where several of his men were impressed, and returning to Plymouth the 3rd of August, 1703, expressed five of his best men; and the next night in a violent storm the ship and cargo was lost; which loss in ship and goods was computed at 2,000^l to the owner Mr. Coward, besides the loss of other merchants.

The Whitebottom galley, Peter Roberts, master, arriving from Barbadoes about the same time, though he had several of his men impressed at Barbadoes, and only one man and two boys left, with himself on board; yet captain Roach of the Lion, impressed three of his best men, his brethren being one, although the master told him how weak he was, and that he had but one anchor on board. Captain Roach told to him, if he was weak, he would take him and all his ship's company aboard, and stop the master at the Gun. Captain Roach sent him three sailors who could speak no English, and they the next night in a storm ran away with the ship's boat, which was saved, and the ship ran on shore, and so remained 13 days in her damage of a 4 or 500^l besides the great prejudice to the merchants goods, upon which account the master proceeded at Plymouth, and the protection was delivered to their lordships, and is laid before the House.

Their lordships do likewise require the

Reason, that there has been offered to them an advertisement of Mr. Benjamin Way, in which he represented in behalf of himself and other owners and freighters of the London galleys, that the said galley sailed from Jamaica the latter end of February last, bound for London, under convoy of her majesty's ship the *Norfolk*; and, upon the said advertisement, upon whom they kept company till the 7th of March last there having been seven men captured from her before she left Jamaica, and being bound to take French prisoners on board, and to have what other men she could at various stages, to help to sail the galley home, and covering all the rest then could be made being left by the convoy, the galley suffered much damage in her masts, so disabled her to keep company, and being woefully manned and in great distress, they fired gun and rade signals; but being left by their convoy, the day and night perished, to the loss of many thousand pounds.

The merchants made the following observations to their lordships, from the evidence given before them, that the Prince's council were fully informed of the great number of the enemy's privateers; that the same had lost the reputation of ease for the loss of Portugal's stores by the delays of the convoys; and the Portuguese army is now furnished by the Dutch with arms from the Baltic; and the advantage designed by act of parliament to the land-owners, by giving a bounty of five shillings the quarter upon exportation, is in a manner disappointed, especially since, for want of convoys, the trading galleys are almost wholly discouraged.—That the Prince's council were so sensible of the necessity of provision on the coast, that they directed sending one of her majesty's ships of 50 guns, but she should be taken.—And that from Tuesday the 29th of April, 1794, when Mr. Manners was told by the Prince's council, that they had notice the Dutch squadron was gone seaward, on Thursday the first of May, when the Hampton-court, Royal Oak, and Griffin, with the merchant ships under their convoy, sailed out of the Downs, there was time enough to have sent orders not only by express, but by ordinary post, to have stopped the sailing of that convoy.

The Lords themselves do also know what passed to the House the great List of ships last, which the merchants did lay before them, containing of 1146. The Lords themselves do also lay down to inform your lordships, that the method used by them in taking the examinations of the several merchants was, that, after they had signed three several depositions, their lordships required them to depose, that all that was contained in their papers, respectively, which was said to be of their own knowledge, was true, and what was mentioned therein, as heard by them, or received in writing from any other person, they believed to be true.

After the Report had been made and

agreed to, the House was adjourned.

might be introduced to the House.

of, which was readily assented to.

more was introduced upon the subject.

with all the dispatches relating to the subject.

On the 6th of January last, the

and before the House, which purpose

the Lord High Admiral's answer to

The Lord High Admiral's Answer to a Report made to the House of Peers, by the Lords Commissioners appointed to consider of the Petitions of several Merchants and others, Traders of the City of London.

Admiralty, Jan. 8, 1795.

The Lords spiritual and temporal in parliament assembled, having by their order, bearing date the 12th day of December last, directed, that a copy of the Report should be sent to the Lord High Admiral, which was made to them on the same day, from the Lords Commissioners appointed to consider of the petition of several merchants, on behalf of themselves and others, traders of the city of London, and of the depositions to which the said Report doth refer; and the said merchants having represented in their petition, that they have, of late years, sustained great losses by the incursions, by the delays, and by the uncertainty arising of convoys, and the want of cruises, his royal highness has thought it necessary, that the general complaint, as well as the several particulars contained in the above-mentioned Report, should receive such answers, as may set the whole matter in a much clearer light than their lordships can possibly have by those papers only, from which the Report had been collected: And therefore it is ordered that this bookings will be referred to the following particulars.

1. As to the insufficiency of convoys.

The Lord High Admiral does not dissent any reasons given, where the order that usually passed with convoys have ever equal a reasonable and sufficient strength for that security, and even the last year, the worst convoys have been much stronger than formerly. The insufficiency of several convoys being attacked by a superior force, were at ways to have been prevented but by whole squadrons. But it is to be observed, that all the distress contained in their lordships report, happened in the latter years of this present war. In the two first years of her majesty's reign, there were not many ships employed either in or towards the Mediterranean, and even those of long absence from our own coast, so that there were undoubtedly many more ships, and consequently proper too to be employed in the defence of the trade of the nation, with respect not only to convoys, but cruises. Whereas, in the latter years of her majesty's reign, the public service hath required the employing great part of our fleet abroad in the Mediterranean, although several ships have remained here before in England in the latter end of the year, yet they had not been fit for any service.

the ships which, as it was necessary to send them out abroad again, for which it was the least able to make provision, it retained the greatest

and, consequently waiting long for the same period and fixed for

the same way, as well as accidental circumstances, absolutely required the ships to be sent out, some were left but some were sent out for foreign commerce, and some were sent out for the same purpose. Some have been sent out in readiness by the time the ships were directed to other parts, and a high consequence happened, upon their coming into the dock, that they have been sent, in a long and expensive way, in a much more readiness than was hoped and expected. The necessity of fitting ships at different parts in the same evening, and contrary winds have also prevented their joining at the rendezvous, and sometimes the want of men, and necessity of moving them from ship to ship, and the constant care to pay the men so retained before they sailed, may have accelerated the departure of some of them; yet, upon a strict enquiry, it will appear, that the delays are so often to be ascribed to the traders, who are seldom ready to sail at the same time, and that the queen's ships have as often sailed far the service, as they for their commerce; so that the ships were ordered from one instance in the previous week transmitted to them, marked *A*.

3. "As to the want of sufficient cruisers in the Channel and elsewhere.

"There have every year been a provision made for cruisers in the Channel, Channel, Irish Sea, and every less than twelve for the Channel, and fifteen for the Channel, which were sent as other necessary and pressing service would possibly admit of; but they have been very frequently diverted from the service intended, upon the application of the merchants themselves, either for the conveying of the Channel their home-and-bound ships, or for taking them from Ireland, or other ports, and so occupying the traders to Archipelago, the Baltic, Holland, &c. And there has been a necessity to comply with this, because time or men could not possibly be otherwise employed, unless some of the first ships had been taken up, which were no various service placed on the coast, to secure the trade from the port to another.

4. "As to the complaint of the arbitrary proceedings of the captains of her majesty's ships, in impressing vessels from merchant ships in the West-Indies, and at their return to the ports of Great Britain.

"If the fact been done, it is contrary to the laws and orders given to the said ships, by which they are required not to impress vessels from merchant ships in the plantations, without applying to, and receiving the sanction of the respective governors; and this

cannot show one out of five, which is more than have been taken from them during the war. And if, for the better manning her majesty's fleet, six ships are taken from merchant ships when they arrive here, the captains of her majesty's ships are strictly required to supply as many good men in their rooms, as being taken into the ports where they are designed, and to send a careful officer with them; and when such ships have procured these services, they are allowed the usual bounty-money to enable them to repair to their proper ships again. But if they should be sent, it must needs seem hard to their lordships, that the merchants do compute in the Lord High-Treasurer, the manœuvres of her officers, which have never been complained of to him without a proper return.

5. "As to the *Guarantee's* being taken in her passage to the West-Indies in June 1793, with several of her company.

"This was an accident that could neither be foreseen nor prevented; and these ships being taken almost 300 miles in the sea, on which occasion, as the queen's officers did all that was possible in the defence of the merchant ships, as it is hoped that their lordships' justice and wisdom, will not make such mistakes criminal. And as for the particulars of this action, they are contained in the paper marked *B*.

6. "Another complaint is, That the *London* fleet, under command of the Warwright and Beaufort, was attacked in March, 1793-4, and 14 merchant ships taken in the Channel.

"This company had the misfortune to fall in with 17 ships of the enemy, which were going directly from Brazil to the West-Indies, and by the greatest chance imaginable came them in their passage: the particulars whereof are in the paper marked *C*.

7. "It is further alleged, that the *Newfoundland* fleet was attacked in April, under command of the Falkland and Medway ports.

"These two ships did in their passage out of the Channel, meet with eight out of the enemy's privateers from 30 to 50 guns, with which they engaged, but carried all their own ships safe to Newfoundland, except two that were lost from them, and by that means fell into the enemy's hands.

8. "It is also alleged, that a sailing company was attacked in April of the Lord's End.

"This may be true, though this is the first account of it.

9. "Another complaint there is, that the *Thames*-cruiser, *Royal Oak*, and *Griffin*, sailing from the Downs, the first of May last, were the first day attacked, and the *Thames*-cruiser and *Griffin*, and about 80 merchant ships taken by the Dutch squadron. Otherwise than that, they were in the French coast, notwithstanding what is sworn by Mr. Dawson, that he was told at the Admiralty-office, the said squadron was gone westward; for, upon the strictest examination of all the accounts, and of the minutes of the votes of that very

day, there does not appear any notice of the convoy's ships being sailed to the westward; therefore these three ships, which were one of 28 guns, and the other two of 22 guns each, were judged a sufficient convoy between the Downs and Spithead, and were there any ships would much to have strengthened them.

10. ¹ As to the matter of convoys, and the three ships mentioned the last year, were attacked by the enemy, and 16 of the merchant ships taken.

² As to this matter, these lords have referred to the report made by Mr. [?] by which their lordships will find a particular account of that affair, from the time that the merchants did first apply for the convoy; and that Mr. William Whitcomb, with the squadron under his command, did conduct them to the latitude of 43 degrees, and that their leaving due to their proper convoy, none of the merchant ships did fall into the enemy's hands, but those whose masters did actually leave the said convoy, and that not till they were in the latitude of 40 degrees, about three weeks after Mr. William Whitcomb parted with them.

11. ³ Complaint is also made, that the convoy was attended, the 10th of October last, which was conducting the ships with horses for the king of Portugal, and the trade to Lisbon.

⁴ This convoy was for majesty's ships the Cumberland, Devonshire, Royal Oak, Ruby and Crescent, which were two of 80 guns, one of 66, and two of 50 guns each, which were thought to be a sufficient convoy to Lisbon in the opinion of the merchants, till the assistance supplied by the accidental junction of two French squadrons, but on this occasion the queen's ships behaved themselves so well, that very few of the merchant ships were taken, and their lordships will find a particular account of this affair in the paper marked J.

12. ⁵ The merchants also complain, that they would long for convoys, and of the protection they received, when they returned from foreign parts, but want or convoys to the westward.

⁶ This had being proved, their lordships are desired to be informed to what hath been already said on this subject in the beginning of this paper.

13. ⁷ They further allege, that they had orders in July 1704, to have great quantities of corn for the king of Portugal's use, and that in July and August they did the same; but that notwithstanding the frequent applications, they could not obtain convoys till the 6th of February following.

⁸ This seems to be somewhat extraordinary; for they say, that ships were ready sailed in July and August; whereas the latter of those two months there were orders given to have majesty's ships the Pembroke, Canterbury, Greenwich and Gloucester, to receive the trade to Lisbon, and on the 4th of September, Mr. William Whitcomb was ordered, with the squadron under his command, to wait their

on 100 leagues South Beach Wagon, which he did; and why the ships were ready on July and August (as to which not provided with this convoy, their masters the masters of them, or both can give account) besides there were several of the French privateers, when called at Spithead were to be taken, and yet it hath been noted at the Admiralty that some were under their convoy. And here it may be observed, that although it had been found impossible to furnish convoys for the trade to Portugal, at the present time at the command have applied for the same, yet there hath been 33 convoys between England and the kingdom, from the month of April, 1705, to October last, and some of these convoys to last this great part of the fleet, and as other things considerable upon this, and particularly in the year 1705, there were five convoys one year, which makes very manifest, that the king of Portugal's complaints and wishes have been furnished with care from the Board.

14. ⁹ They further complain, that the queen sailed the 10th of August from Portsmouth, and did not take any merchant ships under their convoy.

¹⁰ This was the year 1705, when the board of the fleet had instructions to proceed as a convoy, not to be made public, which did consequently render it impossible for her to take merchant ships in her company.

15. ¹¹ Another Objection they make, that there was an embargo laid on their trade to convoys.

¹² It is presumed, that by the word Embargo, they mean, that there was some hole made in their proceedings, and that there could be a more correct account of the proceedings received, that there was a squadron of six majesty's ships in the Soundings, which put it off towards (as they observed) to be Dutch and west-bound merchant ships from the West-Indies.

¹³ It seems to be imagined, that the matter was designed for their prejudice, but is directly for their service, as well as for the safety of her majesty's ships; and as they own that the Norfolk, Warwick and Essex did go with their trade to the ship affords, that Newcastle was a ship for want of service orders, for the first ship was not till the 1st of the afternoon, and the second came on the 1st of October, 1705, and not on the westward of Falmouth, but the west coming to the west, and there being a thick fog of weather, she bore up for the Downs the 1st of November, where she arrived the 10th of the same month, and arrived at Spithead the 10th, which was two days after the convoy sailed, and their lordships may please to take notice, that the Dutch convoy sailed the beginning of January 1706: it appears of her majesty's ships that the 10th of February, 1706, when the ships of war, and the trade of the

and the 17th of September were sent down, with the *Harlequin*, *Woodcock*, and *Albatross*, and 182 merchant ships, and arrived in the Channel in November following.

20. The said *Virginia Merchants* have been informed, That, in hopes of success in carrying from hence to Virginia, the last voyage, many more ships (about thirty) than have been at Lisbon, and others from London, proceeded to Virginia, but remained there till September last, so sitting idle, and must now come home without, in the waste season. And, although the last Spring the merchants, in general, ordered a cargo to be ready in August, yet the said carrying vessels at Portsmouth.

21. The delays and misfortunes which have happened they owe to the Virginia traders, and, as a great measure, to be attributed to the different interests and opinions of the merchants and planters concerned in that trade, so the frequent winterly winds, which have been had since their departure, and to the delays occasioned by several merchants leaving their ships to the Portugal carriers for transporting horses to Lisbon; which delays were particularly explained to us in testimony by the paper exhibited.

22. Their Lordships declare, That, for some time past, there hath been a contrary appearance to the state of the Virginia trade. For want of which, many ships have been taken going on, and coming on.

23. The state of war which exists in the Virginia ships hath usually makes a course between the waters, while the trade following, the *Greenbottle* had those particular orders, and the *Gorget*, who have taken in her prize, (and which may appear this complaint had the same, and the *Goodwin* is now again engaged; and the ships going to Virginia have the same direction.

24. Complaint is made by Mr. John Wood, of the difficulties he met with in September, 1702, and since since then, in getting a ship of his, called, the *Union* engaged to Portsmouth.

25. This ship took in her loading of corn at Sheerness, one of the most difficult parts along the coast to get out from. But when the ships of war are ordered, either ordered from Portsmouth, or ordered from the Downs, they have always orders to go to the several parts of the coast; and would have been necessarily opposed, to get the ships and vessels out of the harbor.

26. The said Wood does also affirm, That, in the month of April, May, and June last, he had several ships freighted with corn at Sheerness, which could not proceed up the coast, by reason of the enemy's privateers; that it had there was a contrary appearance, but when after the war, and left the ships, upon a report that the Dutch squadron was upon the coast.

27. The enemy here means, was the *Charles*, *galleys* and *Gorget*, through several others were

before appointed to gather vessels out of the harbor, however, the afternoon two ships did do it about the 10th of June, 1703, and being on their way towards Sheerness, they received an express from the mayor of Bishops, was an account, that there were 10 sail of French men at war coming from the northwest, and at that time they could make, which was, although it proved false, was not really neglected. but so far were her Majesty's ships from receiving from the trade, upon this intelligence, for it fully and maliciously remained that they left their company, and brought them ashore in Sheerness, at the expense of the Charles galley gave an account, as he had the 20th of June, 1703; and those ships which occasioned the alarm, whether any of the ships the *Defiance* and *Deliver*, with their company, from the Downs.

28. Mr. Winter deposes, That he came from Sheerness the 14th of March last, in company of the *Pearl*, *Elephant* and *Lodowick* galleys; and off of Beachy-Head, two of them were taken by French privateers.

29. These ships were all men-of-war, (as, when called up) and but they got into Portsmouth, with an opportunity of carrying had presented the person who complained of these losses, would not have run the hazard he did. Nor can be thought, that these ships, which the merchants call galleys, can, when they are taken and lost, and much better than other ships, on under that denomination, and therefore are consequently so much subject to confusion, by going without company; and, it is, very reasonable to believe, that all this trading by galleys or men-of-war grow so much so because the losses were much less; and so, it was to be hoped, will be taken, when the merchants will learn to alter their way of trading, as the enemy hath altered their method of carrying on the war by sea.

30. The reasoning part of their Lordships' Report, relates chiefly to (viz.) 1. Our merchant ships being chased off of Beachy, and the parts thereabouts, by the enemy's privateers. 2. The advantages to the Mediterranean trade by carrying it on with galleys; but do he intends they run in their return home, from all countries in the Soundings and Channel. 3. A French privateer's chasing a Dutch ship into Portsmouth, on, or about the 14th of November last, whilst three Welsh privateers had been want of orders. 4. That the list of 110 sail of merchant ships lost, was far short of the said number. 5. The consequences by employing men in the West-Indies, and at other places. 6. The complaint of Mr. Benjamin Whit at the expense of the Northumberland did not take care of his ship, called the *London* galley, which sailed from Sheerness the 10th of February last.

31. As to the last, 2nd, and 3rd of these articles, their Lordships are desired to be referred to what hath been already said.

32. They, as to the third, which relates to the chasing of a Dutch *Gorget*, it would appear

hardships will believe, that the country has not been without some assistance in this war; which cannot be considered as a disadvantage to the declared enemy of their country, or by supporting a superiority, at sea, upon the coasts of Portugal, Spain, and Italy; and at the same time the queen's fleet hath done us service in the last four years, and attempted to do more, which might have secured Britain for ever, and all the naval power of France.

The Lords took the Answer and their most anxious consideration, and having viewed those parts therein very differently from what had been assumed by the merchants, upon their oath, (who had therefore, according to the methods of justice, a right to be further heard by way of reply) and having several other things observed in the Answer, which at first sight seemed to be plain mistakes, we thought it necessary, for our father's information and satisfaction, to appoint a Committee to hear the merchants, and also to make such observations upon the Answer, as they should think proper.

The Committee having performed their Report, and laid it before the House, the same was agreed to, and we think ourselves obliged to humbly to present the second Report to your majesty:

Second Report of the Lords Committee, 12 Feb. 1797-8

To relation to the first Head of the Answer, which is concerned in general terms, without being applied to any of the particulars in the merchants' complaint, some things seem proper to be taken notice of.

1st The Answer says, That all the cruises mentioned in the Report, are in the latter years of her majesty's reign.

The Lords Committee observe, That an Address of the House of Lords, presented to her majesty, in the year 1794, did lay before her the heavy losses of the merchants, which had happened for want of cruises and convoys for the home trade. &c. as after the presenting of that Address, Mr George Byng and Mr John Jervis were sent out to sea, and continued cruising all the October following, during which time the English ships were well protected, and many of the enemy's privateers taken; and the Lords hoped there would have been no further occasion of complaint from the merchants. And all the things contained in the Report, ever before the House, have happened since that time was had made.

2^{dly} It does appear by the papers sent in the House from the first High-Admiral, That in the year 1796, the highest complement of the ships employed in the Mediterranean (supposing them cruised to that complement) did not exceed 12,313 men; and in the year 1797, the highest complement of the ships employed there did amount only to 12,400 men. And therefore notwithstanding that part of the fleet which was made use of there, in both those years, yet about 23,000 men of the numbers

presented for by parliament, remained in the necessary service of guarding and protecting the coast and trade; so that it seems not probable, that the keeping their squadrons in the Mediterranean, could be the mitigation of the cruises and convoys being so weak and few, and the coast so ill guarded.

3^{dly} The strength of convoys is to be ascertained by the private communications of the enemy, as far as intelligence can be had, and the many instances mentioned by the merchants of convoys attacked in our disadvantage, may by experience, that most of our convoys are better secured.

The second Head of the Answer is also general, but the Lords Committee observe, That the great ships are the strength of the home trade, and if more best and second ranked ships employed in the Mediterranean, instead of so many third and fourth rates, and smaller ships, a much greater number of ships proper for convoys and cruises, for the protection of trade in the Channel and Soundings, would be required than for those services; or if there was found to be a real want of such ships, such and proper applications might have been made to the parliament, who have ever been forward in providing for the security of trade. And in the mean time, ships might have been hired, as has been often done, rather than the whole event should continue in a manner brought by the enemy's fleet at war and privateers, with interruption.

4th The want of security is too well known, which proceeds principally from the many hardships they suffer. The constant passing on or turning over, or securing them from ship to ship, is of all others the greatest discouragement, and though the paying about the same time they are taken out, makes but a fair appearance, yet that being generally when they are abroad, it tempts the enemy to extravagant expenses, and proves to cost us the other run of their hauls.

5th Many of the inconveniences mentioned in the paragraph of the Answer, could not ever happen in case an early dispatch was made of proper ships for convoys, and nature of their departure fixed; whereas our frequently ships are appointed when they are on sea, and it is uncertain in what condition they will return. The merchants say, That if one of the convoys sailed for the Jamaica trade, was at that time in the Sound.

The Answer says, The queen's ships have so often sailed for the merchants, as they do their convoys; of which one instance is given in the paper inserted 4th. The fact may be shortness; but the case mentioned in the paper is not of that sort; for there the queen's ships were lying in the Downs, together with the *Assistance* and *Dauntless*, sent by the ships of Capt. Keppel's squadron, and ready to sail, and did sail with them to Spithead, where the rest of the squadron lay. And, if it be observed, that Mr Barr's ships were sent the 23rd of February, in April, yet it is

† = instructions that not been done till
in 1944-45, 1946-7.

The Lord's Committee observed, however, that the appalling grossly negligent and preventable trials, but the careful and conscientious, that the steps appeared for the future were encouraging.

Therefore it appears in the account of the capture at the fleet, and before the *Albatross* sailed. That no ship was wanting in the *Albatross* and *Chamuel*, in the month of June, 1845, and September last, in which all the galleys and home-ward-bound ships, were there as so loudly complained of by the *Albatross*, were taken and destroyed - and taken to the arbitrary proceedings of the queen's ships of war, in no way different from all the merchant ships to which liberty is also upon their return to the coast of America, the fourth paragraph of the *Albatross* says, "Every such thing has been done by the officers to destroy, and has not been done without a proper return." In making this passage, the *Albatross* continues to say, "and Mr. Unwin (to whose command probably that part of the *Albatross* returned) is sailing, and being taken as to a vessel of 1845, made oath, that he had been confined to the *Prince's* ground of one year's hardship, and begged relief from his ship, he applied to the House of Lords; grounded common many other instances of hardship he had suffered in the same kind, and in the year, from the beginning of the war, one of his ships had been put, having improved out of them both at Jamaica, and was their return (if there then was a prize) as much as had run through all danger and in this case as got to London. In particular to know, that he had complained to the *Prince's* council, at Capt. John-o's expressing himself at the *Sanctus* frigate, and Capt. John-o's expressing himself at the *West* frigate, as also of taking away his men from the *Albatross* frigate, and produced to the *Albatross* council that as since he had of these matters, but could not learn, that any of this report was punished or censured or so much as was asked to an account for their violence. However, that all the captains he had met at the *Albatross* West Indies have declared to him, that they who expressed his own at Jamaica, did not demand any authority or content from his name or so doing, and he allowed, he would not produce any captains, who would say the same thing. He said, if such matters given as occurred in the *Albatross*, the *Prince's* council well know, by the frequent complaint of him and others, they are not the kind of ship at Jamaica, or at home.

In the sixth Paragraph of the Answer, the distance to the head of the London River, and the nature of the currents and Wharfedale, it is stated in this manner: "The country had the appearance to hold nearly 17 stages of the country's water were going directly from East to the West."

India, and by the greatest chance impossible met them in their passage.' And as the paper marked C. (to which the paragraph refers) after fixing an account given by the captain of the *Swallow* of the wreck, and that most of the merchant ships escaped, the paper C. proceeds thus:— 'But as there was not any positive notice of the capture of the enemy's ships, as if greater strength had been added to the *Swallow* (which was not then to be had) it would have been but of little advantage against such a number of the enemy's ships.' This seems, strangely a representation of the affair, that it is necessary to lay before the House, the true matter of the fact, as it appears upon a careful examination of it by the Lords Commissioners.

⁴ *Ibid.* As to the assertion, that there was no previous notice of this squandering of the crown.

2 The Lords Committee refer to the minutes concerning the French shipping sent to the Admiralty from the Secretary of State the last year, (which minutes are now lying before the House) particularly to an extract of a letter from Mr. Secretary Harley's office, dated at Rotterdam the 7th. of February, N. S. and sent to Mr. Borchetta the 1st. of February, O. S. giving an account of the squadron of ships then lying at Breda, and another from the Earl of Sunderland's office, dated at Paris the 4th. of February, N. S. and sent to Mr. Borchetta the same 1st. of February, O. S. Another is another letter from Brest of the 1d. of February, N. S. sent from the Earl of Sunderland's office, to the Admiralty the 14th. of February, O. S. giving a particular account of the same squadron, and the voyage of it, and the next was again to send, and to another dated at Brest of the 14th. of February, N. S. sent from Mr. Secretary Harley to the French Ambassador the 24th. of Feb. O. S. to the same effect.

1. Secondly, As to the aversion, that there was then no greater strength in his land, it is to be observed, that a Dutch fleet of some men of war, under the command of admiral Vanderhoop, had laid for some time at Portsmouth, and sailed in to shore: the very same day that captain Griffin, who commanded the company, sailed in the frigate from the same place.

If orders had been given to captain Griffiths to have kept company with the Dutch squadron, there had been a sufficient strength to have acted all the ships under his command. But as appeared, by the examination of Mr. Jacob Hensvelt, Mr. William Wood, captain Francis Cook, and captain Edward Smith, two masters of the merchant ships which went under his orders, and also by a letter of captain John Hunt, another master, dated from Danant, where he was then a prisoner, that captain Griffiths was guilty of three most inexcusable delays off at Plymouth, and thereby lost the advantage of keeping the Dutch fleet com-

On the 22nd of February, Captain Collins made a signal of seven steps, and after-

Portugal fleet, were at that time thought a sufficient answer, Mr. Henckell says, the Prince's answer (by the returning of the merchants before them) was dismissed of the contrary, at the time the contrary was sent, and did then pretend no other reason farther but strengthening it, first want of ships. And he desired to refer accordingly to the *requisição* which was sent in October last, which was delivered at that time to the merchants in the Prince's answer, and it being before the House; whereas, in very strong terms, they expressed their want satisfaction without effect, the great delay they had run with, and their great sense of danger, if they should proceed without that convey, as well as of their being run by any farther delay.

The 15th Head of the Answer says, that the ships which the merchants supposed lay idle at Portsmouth so long, were under orders for particular service, as appears by the papers marked G.

Upon consideration of this paragraph, and of the paper marked G, to which it refers, the reasons of fact, whereof the merchants did complain, seem, in effect, to be admitted to be true; and the reasons for which it is alleged the ships were detained, do not appear to proving, but that some of them might have been employed to help the merchants in their great extremity.

As to the 16th Head, which relates to Mr. Coward's complaint of the long detaining of his ships left to freight to the Commissioners of retailing; the Answer says, it is not doubted they were taken up at so much a month freight, and the owners will be paid for the time they have been employed, according to the agreement made with them. Mr. Coward deposed, that his ships were not taken by the month (as the Answer alleged) but the contract was at three pounds a ton, directly for January, which might have been performed at seven or eight weeks; whereas, by means of the detentions complained of, they have been detained ever since the 15th of November, 1708, and were yet in Ireland at the time of the complaint, whereby the ships are ruined, and he left in mercy, as to any satisfaction.

The 18th Paragraph of the Answer takes notice, how far Mr. Palmer had forgot himself, and imposed upon the Lords in his deposition, for that the Leitchfield prize did not arrive at Portsmouth till the 7th of June; whereas Mr. Claudius Shovel was off of Lisbon the 8th of June; and therefore it was not possible that the Leitchfield prize should have joined him at Plymouth.

Mr. Palmer being examined as to this particular, said, That in the complaint it was alleged, the Leitchfield prize came to Spithead the 7th of July, not of June, as it is expressed in the Answer; but he owned his mistake in saying, if the Leitchfield prize might have proceeded to Plymouth, the two ships might have joined at Claudius Shovel's fleet, whereas by reason to have sent the transport-boat, which at that time lay at Plymouth bound to Portugal,

To show that it was a mere mistake produced in the Lords three original orders from Portsmouth, written by him, namely, James Howard, dated the 7th, 10th, and 15th of June, which mention the transport-boat, which was for a considerable while at Plymouth (as those letters say) sailed for Portugal the 10th of June.

The 19th and 20th Paragraphs, referring to the Article in the Gazette of the 5th of May, 1708, which the merchants had produced, was, as generally and unadvisedly asserted, the being entirely wrong; the Lords Commission thought to be informed, how that passage came to be put into the Gazette; and upon examination it appeared, that Mr. Hedges the 18th of May, N. S. wrote a letter from London to the earl of Sandwich, at the solicitation of some considerable traders there, representing the hardships they lay under for want of a convey from Ostend, (though it had been promised, and several times modified in the Exchange of London) to their great loss and discouragement, and what was like to have as a influence on that trade, which was in a way of being better established than ever; and then, afterwards, upon the arrival of that fleet at Ostend, Mr. Hedges wrote another letter to the earl of Sandwich, dated the 14th of May, N. S. the very words of which second letter are these transcribed into the Gazette.

The Complaint of the Merchants, in relation to the Virginia trade, consisted of many particulars, some of which seem to the Lords Commission to be answered or crossed, by what is alleged in the 21st, 22d, and 23d paragraphs of the Answer, not by the paper marked B, to which the 23d paragraph does refer.

The 21st and 22d Paragraphs of the Answer, which relate to the complaint of Mr. John Wood, of the defendants and defendants work in getting his vessels, loaded with wine, to Portsmouth, containing nothing in particular, but a general statement, viz. That the Chain-galley and the Gasport, the two convoys for the wine ships to Spithead, were far from coming from the trade (as was falsely and maliciously asserted by Mr. Wood) that they kept the wine-ship company, and brought them off to Spithead, as the captain of the Chain-galley affirmed the Prince's council by letter.

Mr. John Wood being now here, and being with the matter, produced two letters, which he made out were sent to him from Portsmouth, by captain Edward French, the captain of one of the wine-ships, the first dated the 21st, and the other the 2nd of January, whereas it is expressly affirmed, that French ought to be in the evening, the captain of the convey sent him back about the 10th of January, to tell them the wine-ship had not yet been at sea, and as the matter was to let them know that the convey would not be further care of them, but would wait at Plymouth for the transport-boat, and the wine-ship that for themselves.

‘Captain John Falkner, the master of the *Mary*, master of the ships from Stockholm, made such, that the commander of the convoy was the least aboard the merchant, i.e. told them that he had advice of a French squadron, and that they must shift for themselves; for they could take no care of them, but would clear the best of their way to Portsmouth, and because the convoys were as good as those made, and made away with all the rest they could, and got on shore a considerable time before the merchant, who were in very great danger of being taken, having been chased at length home by a French privateer. The next captain did, upon his oath, confirm what Mr. Wood had before alleged, that for full six months, while he lay at Stockholm, the French privateers did continually cruise on the coast in considerable numbers, but so oft that time he could never see or be informed of any man of war coming to prevent or interrupt them.

‘As to what is said in the Answer, that the age of war who had outward or homeward, two days’ direction to call at several ports in the way, Mr. Wood added to what he had said before, that if they had such orders, it was strange and one of them should never appear out of the harbour or see more than this.

‘The 13th Paragraph of the Answer relates to the want and compasses of the navy and mentions ships off at Brandeburg, and upon the English coast in their return home.

‘What the Paragraph says, is, that these ships were wanted, and should have put into Portsmouth all they had an opportunity of doing; but when the merchants shall have freedom in these galleys or convoys, (which all subject to many inconveniences by going without convoys) it is to be hoped their losses will be less.

‘Their lordships cannot think it strange, if merchants are very unwilling to put into convoys, or begin of convoys, after the reduction given by them of their ships going there for many months, in vast expectation of men of war, contrary these.

‘That the proposal for the merchants leaving off to trade in galleys, is a supposition of convoys: the Lords Commissioners observe, that use of this kind of vessels was taken up during the late war, and has been continued ever since with very great success till within two months, during which time there has been, in a manner, a total neglect of having any convoys in the Channel or Soundings, or any way of war to guard the coast.

‘These ships are built for sailing, and also for rowing, and carry no more goods than is proper for sailing, and carry twice the number of men in a common sailing ship, and are of burthen from 18 to 40 tons.—There is no navy granted to any trade within the Straights but in Turkey only, which is never above 100 in the year, and must be acknowledged to be in which to answer the commerce of the nation in Leghorn, Genoa, Venice, and other

places as those seas.—If therefore the use of galleys or single ships be laid down (for if any single ships be used in trading, it will be granted the galleys are better sailors, and have the advantage of any common built ships, and all the Mediterranean trade it is to be gained on by convoys, that whole trade will be in a manner lost to England, especially in respect to fish, and other perishable commodities; and would be soon felt in a very heavy manner in all parts of the nation, the great consequence of that trade fully appearing by the merchants pressed down in the report made upon their petition.—It is necessary for the safety and honour of the Kingdom, and of all manner of trade whatsoever, that the Channel and Soundings be well guarded, and if that be done, the traders in galleys will they have no reason to complain.—The enemy have not shared their way of making war by sea: they always endeavoured to defeat our trade by three privateers, to a great degree as they could, but it must be owned, that if they they have had greater success than ever, and the great encouragement they met with, (the sea in effect being laid open to them) it is too probable will soon increase their numbers.

‘The merchants do say, that the List of 1148 ships, given in by them, does not contain all their losses during the war, but, in a manner, such only as have been taken in the Channel and Soundings, within two or three years last past, and principally such as do belong to the Port of London. They have already had an account of 34 ships taken in the Channel and Soundings, since they made their complaint to the House of Lords; of which ships they delivered a list to the Committee, and affirmed, that the loss of these ships, by a modest computation, amounted to above 11,000*l*. They affirmed, that besides those named in that list, several other such ships are missing, and many of them, they fear, have met with the same fate, the Channel and Soundings being infested with the enemy’s men of war and privateers as much as ever. The several ships which came into the ports of Boston, declaring, that they have been boarded by them in those places several times in a day.

‘The Answer (as to what concerns Mr. Benjamin Wray) says expressly that matter was not complained of at the Admiralty office, before it was brought to the Lords.

‘This seems very strange, for it appears plainly by the two letters marked J and K, referred to in the Answer itself and sent therewith to the Lords, that both of them were sent then upon occasion of a complaint made by Wray to the Admiralty, and are only copies of the very same letters which were annexed to Wray’s complaint to the Lords, and were sent together with the Lords’ Report to the Lord High Admiral.—This is what the Lords Commissioners have humbly to offer to your lordships, in relation to so much of the Answer as concerns the merchants’ complaints.—The remaining part of it seems entirely foreign to the subject of the report,

containing only an unnecessary comparison of the management of the naval affairs in this and the late war, since any faults or errors which might have happened at that time, would not justify any censure or conduct at present. But the Lords Committee think themselves obliged to lay before your honours several very great mistakes which they find in this part of the paper.

In the first Observation it is asserted, that the parliament has not in that year given one farthing of money for the building of ships; and that in the last war there was about four millions given for that and other extraordinary services, and yet the royal navy was less in strength at the end thereof than at the beginning, by twenty ships of the line of battle. This is so far from being a right state of the case, that in this observation there appears, in first sight, a mistake of no less than three millions four, the whole sum given for building of ships in the last war not amounting to one million. This, in effect, was afterwards confirmed in a second paper sent from the Admiralty office, of the 28th of January, 1703, by way of explanation of a former Paper delivered to the Lords Committee from that office.

In the second Paper, notice is taken of the Number and Name of ships provided for by parliament, and the days they are set down when the money was voted for them, but the sums are omitted, which would have too plainly contradicted the assertion, that four millions were granted.

The true state of that matter will appear by the following second paper, if the same be added, as the same are set down in the first of these papers from the Admiralty-office, and is as follows. There was given for building ships,

Oct. 18, 1692, of 1st Rate, No. 1	—	53,000	0
Dec. 19, — of 2d — — —	17½	270,000	0
— of 3d — — —	10½	—	—
Dec. 4, 1693, of 3d — — —	0	70,000	0
Nov. 20, 1694, of 2d — — —	4	70,000	0
Dec. 6, 1695, of — — —	—	338,400	0
— — — of 2d — — —	4½	—	—
— — — of 3d — — —	8½	—	—
		£ 1,310,000	0

Memorandum, That the vessel called *Exeter* with was given for 370,000^l but procees but 840,513^l 10s 8½d, of which there has been paid for building the 73 ships 530,000^l 10s, and no other was 59,000^l 12s 2½d.

There were all the sums granted by parliament for building ships during that whole war; the other sums set down in the first paper, which under the name amounts to 4,200,000^l 10s 8½d were not for the ordinary and current service of the Navy, as women's wages, victualling, &c. or for such particular uses as had no relation to the building of ships, such

as the payment of mariners officers, repairs of vessels, &c.

The second Mistake in this Observation is, that the Royal Navy, instead of being but at the end of the last war by twenty ships, was at the beginning, was increased by 100 ships and vessels, of which 39 were of the line of battle. Besides 71 ships which were destroyed on the 20th of December, 1697, when it was of the line of battle.

And though in the same Observation it is alleged, that nothing has been given in the reign for building of ships, yet the paper in which the navy is general, has been much larger then was than in the last; for in this paper it has been granted for the use of the navy, including the allowance for maintenance, and for what voted for the service of the year 1700, the sum of 25,260,000^l 15s — and

Whereas all the sums granted by the parliament of the navy, between the 24th of December, 1684, and the 30th of September, 1697, including the money given for building ships, only amounted to the sum of 13,100,000^l 10s 8½d.

It may be also observed, that in the year 1689, there were 123 ships of the line or built in thorough repair; whereas it appears that the 14th of December, 1697, there were none, eight annual rates, on third rates, and twelve sixth rates were rebuilding or great repairs, which, considering the nature of the ship, makes a great part of the strength of the line of battle.

The second Observation takes notice, that the number of the ships of the navy at home, taken or destroyed by her majesty's ships was, that much exceed our losses, as appears by the following Table B, where being no in view of the French ships destroyed by the ships of the States-general.

The Lords Committee take notice, that the paper A, set up gives the greatest number of missing ships, as if those in the greatest consequence, were taken or destroyed in the 16 years at Vigo, Gibraltar, and Ouessant. The loss of which place ship of 60 of the States General's command. And then during the war only 23 ships of all sorts taken or destroyed by enemies, ships of 100, and 100, and only five ships from 100 to 60 years. If the paper marked B, it appears that the loss of her majesty's ships and vessels was not more, but it is necessary, during the war, to 1685, 85, where it was the loss of battle, from 1685 to 1697. The third Observation is, that, in the first war, the of the nation had the reinforcement of 4,000 ships. This appears in the paper of the Lords Committee, that they sent to the Admiralty-office to be informed, if there was any loss of the ships, or what given for making that amount to. The answer in return to this message, was a paper, without any more of the same printed, in which are these words: "It is fully allowed, that the number of ships and

...which, since the war, does not fall short of 100,000 tons.—Upon re-examination of this Paper, it appeared to be a libel, written as a pretended answer to an answer published by authority in the year 1828, of what sort of war and private trade had been taken from the French, from the beginning of that war; and, in substance, in the following manner:—

"The commerce of France upon the protection of that reign, has accordingly been re-examination of matters of fact, which might have easily been known to be so at the Admiralty; and therefore it seems very strange, that such a libel should be offered in a paper to the Lords, on an answer which is supposed to come from that office.—But as an answer that there can be no foundation of such a charge, the Lords Committee

"in your lordships' consideration, that the number of English privateers, who have been sent out since France, from the beginning of the war in December last, was stated to be 22,011,

"there then remains, by France 2,000 more, during the number of English privateers sent out from France, from the beginning of the war, on the 1st day of June, 1803, did amount to no more than 18,550. And it is not probable, that the depredations on former wars could have any more than those taken in the present (as is pretended) when the privateers are so remarkably fewer.—To the latter end of the work Observation, That during the

"war, we had the ports of Spain, as well as those of the Spanish West Indies, open to our warlike ships, not only from the enemy, but our best friends.—The Lords Committee are then things: 1. That all now, that never land that the ports to the Spanish West Indies, at any time open to receive English

"as of our or merchant ships. 2. That the very great losses complained of by the merchants, appear to have been in the Channel and homelands, and consequently the Spanish ports, though open, would have been no very unusual circumstances and protection to them.

"May a phrase just signify?

"We being thus performed what we take pleasure to be religiously obliged to, cannot doubt but it will be graciously accepted of by you, as coming from most desirous, who not only wish they may be able to remain in order of making An

"...as is given, but to congratulate on the success, as to secure our friends the Government, for the Message of your Majesty, with your Majesty to believe, that it is very highly to be valued in the report to the very of business for Lord

"...and his own reasons as your Majesty's duty, and so on, do not make things in this Address should be the subject of your Majesty's very well known, but it is highly to be valued in the report to the very of business for Lord

"cannot be a phraser proof, that some persons employed by the Lord High Admiral have made the worst use imaginable of the trust reposed in them, and that in their pretending to lay such an Answer before the House of Lords in his name. For does it take notice of the many things which in the Secret Report have been mentioned to your Majesty throughout the whole Paper, there is no hopes given, that for the future, any further care shall be taken of the trade, as the contrary, the whole turn of the Answer seems to be intended for exposing the complaints of the merchants, rather than paying them losses. We are now setting out for more reasons from the goodness and compassion of the Lord High Admiral's simplicity, and the tender regard he has always shown for poor seamen's interests.

"May it please your Majesty. It is a most unobscured sense, that the honour, security, and wealth of this Kingdom does depend upon the protection and encouragement of trade, and the improving and right managing the naval strength. Other nations, who were formerly great and powerful at sea, have by negligence and mismanagement lost their trade, and even their maritime strength entirely ruined. Therefore we do in the most earnest manner beseech your Majesty, that the sea affairs may always be your first and most particular care. We humbly hope that it shall be your Majesty's chief and constant intention to call, who shall have the honour to be employed in your councils, and in the administration of affairs, that they be continually aware and watchful in what concerns the trade and fleet, and that every one of them may be made to know it as his particular charge to take care that the women be encouraged, the trade promoted, dangers removed, and a new spirit and vigour put into the whole naval situation of the navy."

The Queen's Answer to the Lords Address.]
Her Majesty gave this Answer.

"My Lords, I will take care to make the most useful observations on the several parties here contained and referred to in your Address.—It was always my opinion, that the encouragement of trade and commerce, and the good management of the navy, are of the greatest importance to the prosperity of this Kingdom.—And therefore you may be assured, I will ever my utmost endeavours to encourage all those whose duty it is, effectively to perform those services."

"On the 11th of February there happened an important change in the administration in England, for Mr. Henry Bouverie, made to the Earl of Bathurst, and Chamberlain at the Exchequer, was made Treasurer of the Navy in the place of Mr. Bouverie. By the death of Mr. Bouverie, and Mr. Bouverie, which in some measure affected Mr. Bouverie's credit, made him more anxious to bring about a change in the conduct of affairs, in which he relied on the

*The Commons thank the Queen for her Conduct**the Affairs of Spain.*] February 10. Thursday.

credit of the new favourite, Miss Marlow. The duke of Marlborough, and the Lord-Treasurer, having discovered many of his practices, laid them before the queen, who would believe nothing, that was suggested to her prejudice. Her majesty believed, that she had given a good security for carrying messages to the Tories, but would not believe, that he or his friends had done so, nor would she enter into any consideration of his ill conduct, and was angry, when she heard a whisper of. These Lords wrote therefore to the queen, that they could serve her no longer, if he was continued in that post; and, on the Sunday following, when they were summoned to a cabinet council, they both went to the queen and told her, that they must quit her service, since they saw, she was resolved not to part with Mr. Harley. Her majesty seemed not much concerned at Lord Godolphin's offering to lay down; and it was believed to be a part of Mr. Harley's new scheme to remove him; but she was much troubled with the duke of Marlborough's offering to quit, and meditated, with some indignation, to divert him from that resolution. But he was firm, and did not yield to them. Upon this they both went away, so that wonder of the whole court. Immediately after, the queen went to the cabinet council; and Mr. Harley opened some matters relating to foreign affairs. The whole board was very angry, the duke of Somerset said, That he did not see how they could deliberate on such matters, since the general was not with them. He repeated the same words twice, while all the rest looked on so cold and silent, that the cabinet council was now at an end; and the queen saw, that the rest of her ministers, and the chief officers, were resolved to withdraw from her service, if she did not recall the two, who had left it. It was said, that she would have put all in the hands of Mr. Harley himself, had not apprehended his change, and resolved to lay down. The queen sent the next day for the duke of Marlborough, and, after some expostulations, she told him, that Mr. Harley should immediately leave his post, which he did within one day. But the queen seemed to serve a deep resentment of her and the Lord Godolphin's behaviour on this occasion, and, though they went on with her business, they found they had not her confidence. The duchess of Marlborough, for some weeks, abstained from going to court; but afterwards, that breach was making up in appearance, though it was little more than an appearance. Both Houses of parliament expressed a great concern at this rupture in the court, and apprehended the ill effects, which might have. The Commons in the bill of Supply lie on the table, though it was ordered for that day. Upon Mr. Harley's removal, Mr. Simon Sturges the attorney-general, or Thomas Manners comptroller of the household, and Mr. St. John secretary at war, had down likewise their posts. Final Time Short.

The duchess of Marlborough, in the account of her Conduct, p. 486, has scraps of information as the following terms: "The duke of Marlborough and Lord Godolphin had told the queen in the most respectful manner, that it was impossible for them to do any longer service, since Mr. Harley was in her confidence. Her majesty nevertheless seemed determined not to part with him, till at length these two lords, being urged by necessity to it, declared their resolution to serve no longer with her, and they absented themselves from the court. Mr. Harley would have proceeded to business without them, when the council met, but the duke of Somerset said, he did not see how it could be to any purpose, when neither the general nor the treasurer was present, whereupon the council immediately broke up. This had such an effect upon the queen, that, very soon after, Mr. Harley was dismissed from his post. Such a compliance with the wishes seemed to the eye of the world a very great concession, but was in truth nothing. For it was evident by what followed, that the appearance of giving up Mr. Harley was only in own consent, and by his own advice, who, as long as Mrs. Marlow continued in favour, would, under pretence of serving her, who on his return, have all the opportunities to deal with her, of practising upon the private and credulous of the queen, and this a third time corresponding with him had been well known before.—I was fully apprized of all this, and saw the duchess, yet I resolved to try, if by being away and quiet I could regain my influence with her majesty. The last promise some encouragement to keep it. For when I told before Mr. Harley's dismissal, the Marlborough resolved to quit the court, and when, on that occasion, I had with me, which a tender concern for the dignity of putting from her as gently made me shortly upon mind to let, that, if she chose to depart, it would be improve and even impossible for me to stay in court after her, she declared, that she would leave the thought of my leaving, but, and that I must never let. And at that time she made me a promise, that if ever I should leave her (which she again said, must never be) she would give my officers nothing as children. May, 10. Whigs had some reason to flatter themselves about this time, that her majesty would be better disposed to them, than she had before been. The postcard's attempt to land in Scotland, which happened about this time, gave her an alarm, that seemed to bring a new change along with it, that the Whigs were the only to be depended upon for the support of her person, at least what she told, in answer to the Lords' Address, upon the occasion, had this promise. But as the danger presently passed over, and at her leave said with the Whigs, there, so all the hope, which the Whigs had placed in themselves from those words, vanished."

place, it was asserted, "That, from the 1st of May, 1704, there should be but one parliament in the kingdom of Great Britain." All the Court was against this bill. Those, who governed Scotland, desired to keep up their authority there, with the advantage they made by it, and they gave the ministers of England great assurances, that by their assistance every thing might be managed, and were all the rods of the court, but they said, that without due care, there might be carried on, as to run all the contrary way. This was the worst motion; yet this could not be carried in a public assembly, and therefore that, which was proposed, was, that many great members in Scotland, with the greatest part of the Highlanders, were so affected, that, without a vigilant eye, ever cast upon them, they could not be kept quiet. It lay at too great a distance from London, to be governed by orders sent from thence. To this it was answered, that by the counts of the justiceary courts, and by justices of peace, the country might be well governed, notwithstanding its distance, as Wales and Cornwall were. The bill had been carried in the House of Commons by a great majority, that there should be only one parliament for the whole island. But, in the House of Lords, it met with a considerable opposition. The court stood clear; all the Tories, and the worst, greatest part of the Whigs, were for the bill. The court were for the party for the bill in every thing, and willing to compound the matter, and whereas, by the bill, the court of Scotland was not to sit after the 1st of May, the Court moved to have it continued to the 1st of Oct. It was added, that this was proposed only in order to the suspending election for the next parliament; for which reason the Lords adhered to the day prefixed in the bill. But a new debate arose about the power given by the bill to justices of peace, which seemed to be an encroachment on the jurisdiction of the Lords' regality, and of the lordship Steward and Sheriff, who had the right of trying criminals, in the first instance, for fourteen days time; yet it was necessary, in the cases of great crimes and riots, for the party accused to take immediate cognizance of them, without any regard to the former date. So that by this act the powers of peace were only empowered to do this, which the party accused usually did, and, except the opinion was so great, as to demand a quick dispatch, it was not to be doubted, but that the justices of peace would have great regard to all preventing it. Yet, since they had the appearance of breaking in upon private rights, this was much granted on by those, who hoped, by laying aside these powers given to the justices of peace, to have gained the same part of keeping up a power secured to Scotland. For all the Scots members said, that the country would be in great danger, if there were not a supreme government well kept up in it. This is seemed an absurd thing, that there should be a different administration, where there was but one legislature. While Scotland

had an un- or illegitimate nation still, the one was assembled in parliament could prevent the execution of orders in the administration; whereas now, that a new nation made part of the legislative body, if it was still to be kept under a different administration, that nation would not have strength enough to protect a number of important or necessary, by which means they might come to be satisfied and governed as a province. And the ordinary way, in which the council of Scotland had proceeded ever since King James the first's reign, but more particularly since the Reformation, was British manner, and had been no good motive to induce the house of that nation to promote the Union, that they might be delivered from the tyranny of that council, and that it might be well disappointed, if it were still kept under that yoke. This point was courageously yielded, and the bill passed by a majority of 20 Lords against 13, though on the point of dissent of the Court. There was a new count of Falkland entered in Scotland, according to the frame of that Count in England. Special acts were made for the elections and returns of the representatives in both Houses of parliament; and such was the disposition of the English to oblige them, and the behaviour of the Scots was so decent, that everything that was proposed for the public cheer company, was agreed to. Both Whigs and Tories were well and mutually, who should not meet more and converse for the welfare of that part of Great Britain.

Discrepancy of a Correspondence with France.
About this time two discoveries were made, very unlucky for Mr. Stirling. Marshall Talbot wrote often to Mons. Churchill, but he was his letters open to the secretary's office. — He proved and ended up, and so it was conveyed by the way of Holland. These were opened upon some suspicion in Holland, and discovered, that was, in the secretary's office, as letters in them, in which, as he offered himself to the courts of France and St. Germain, so he gave an account of all negotiations. In one of the other sent a copy of the letter, which the queen was to write, in her own hand, to the emperor; and he sent her the parts of the letter were drawn by the secretary, and what additions were made to it. At this Lord Treasurer. This was the first, by which the queen perceived the sealing of the Emperor's letter; and that, if not corrected, would have been at Versailles, more than in this it could reach Vienna. He, who might write, that by this they might see what might be done there, and well encouraged. About was sent over to the duke of Marlborough and upon search it was found to be sent by Mr. William Grove, whom Mr. Stirling had only mentioned to be a clerk in the secret. Likewise taken into a particular notice, that about inquiry into the secret parts of the letter, for he was a traitor and a villain.

Letter, written with her own hand, in the Register.—In the same letter, Gregg takes notice of two letters sent by him to M. C. Chamblard, the one dated the 24th, the other the 25th Oct. last, which he understood Robinson had put into his hands.—That, perusing by Robinson's letter to his master, that M. Chamblard desired to know the Marchal's sentiments of Gregg, Gregg had himself written to him.—In expectation of his answer, Gregg believed himself, that the paper then sent read of that importance, that there could be no longer doubt of the desertion of a Sepulchre in France, not to speak of his aid for the service of his prince, who had found refuge there.—That the lines under which he had drawn a stroke, were the thoughts of the Lord Treasurer, which he had added with his own hand to the first draught of the letter.—The same letter contained some other parts.

2. " There was a copy of a Letter, dated the 25th Dec., Q. 3. in the same packet, acknowledged William Gregg, in which notice is taken of what Robinson writes to Mr. Talbot concerning him, and that he himself had written to the Marchal, and desired Robinson to deliver the enclosed according to the address, as being of great consequence.

3. " That the copy of a Letter from Marchal Talbot to Robinson, dated the 10th Dec. N. S. in which Mr. Talbot says, " That as to the letters of which Robinson made mention as his of the 25th and 26th of November," That he had delivered them according to the address," M. Talbot knew nothing of their contents, but by the same post which brought his letters.—That he was obliged for the office, but could make no use of them while he was a prisoner; when the prison was made, he would give proof of his acknowledgments to him who made the offer, and would endeavour to engage the person, to whom the letters were addressed, to do the same. In the interim, Robinson was to tell the person, to whom he delivered the letters, for whom the Marchal had the strongest considerations, " That he was much obliged to him for desiring to know his thoughts before he would determine what to do, that the offer made did not suit with the present time, at least as to him, &c."

4. " An original letter, of the 2d Dec. 1737, to Mr. Robinson from Gregg, in which he has the being delivered from an imprisonment, as would appear by Marchal Talbot's letter, unless he had to M. Chamblard had not made him determine otherwise.

5. " Copy of another letter of Gregg to M. Chamblard, dated the 23d Dec. Q. 3. which was also taken in Marchal Talbot's packet, in which he pretends to give M. Chamblard an account of what passed in parliament, with the queen's Answer to the Address of the two Houses, and his excuse for not sending the Address itself.

6. " A letter of Robinson to Talbot, with Dec., N. S. from Paris (transcribed by Gregg in his own hand,) in which he says, " Mr. William

in Versailles, to deliver the answer which he was charged. That he received, in my name, Letters from the same persons; and that he took care to deliver them according to the Address."

7. " Another of the 20th Dec. 1737, N. S. " That he had been so obliged, as M. Talbot had charged him, the answer which was sent to M. Talbot."

8. " Another in Gregg's hand, dated the 20th Dec. 1737, found in Gregg's closet, written to Chamblard, giving an account of the intention to send Mr. Tolson to Savoy, and take several other German towns in Italy."

9. " A confession of Gregg, delivered to the Lords of the Committee, and signed by him,

" On Thursday the 19th of the instant Feb. the Committee, appointed by your lordships went to Newgate, in order to examine William Gregg.

" They acquainted him with your lordship's order, and told him, " That on the oath, of which he stood excused, was of the most honest nature; so there were some circumstances so extraordinary, which attracted his care, that the House of Lords thought it might be service to her majesty and the kingdom, to have all the beginning and progress of his remarkable Correspondence fully laid open, for her majesty, upon the application of the Lords, had ordered all former examinations and papers concerning him to be laid before them.—They told him further, " That, if he, by a full statement, and full confession, would do so, he might find ground to hope the House of Lords would overlook in his behalf, his want from her majesty, which otherwise he had no reason to look for.—He was also told, " That being a man of understanding, he was not expect to be asked questions, but was to give an account of himself, when and how he became first employed; when, and by what navigation, he was drawn in so corrupt with the queen's enemies; and how he kept credit."

" He said, " That one Mr. Gregg, the latter resident at Copenhagen, was his recommendation for him thither; and he continued there about three years, till his death, which happened about one month before the king died. That Mr. Vernon was sent to Denmark, and took him, whom he had there, into his service, in which he continued about one year and a half, and then he was discharged from his service by Mr. Vernon. Mr. Vernon coming for England about his private affairs, while Gregg was in his service, staying here some time; so that several several private letters from Mr. Vernon followed, which gave him occasion after to fly him.—The 25th of Dec. 1734, Gregg came to England, and soon made application to Secretary Hacky for employment, but was recommended to him by any body. The Jan. last year last English his office, when

undelivered. The 13th Feb. 1704-5, Mr. James, the Secretary's first clerk, came to him, and said, 'The Secretary would speak with him.' He attended on the Secretary the same day, and said to him, 'Is he willing to write to the King on his own country?' Gregg said, 'He replied on the point upon which you have asked.' The Secretary told him, 'It was to give an account of the proceedings of the meeting party with which you were to be held under the date of April 1st. On the 1st, he went to the office, and Mr. Secretary told him, 'He should be employed in a few days.' To make some use of his time (as he supposed), Mr. Secretary asked him, 'If he could give an account of the state of Denmark.' Gregg said, 'He was willing to do it as well as he could,' and accordingly, at seven o'clock, he drew up a state of that country, and it was not disapproved. He accordingly, and on the 23rd of April Mr. Secretary (Friday) gave him a state of 25*l*. to be put in his wardrobe in Scotland yard. On the 24th day, 1705, he was ordered to go for Scotland, and about a week after set forward with letters, when he was dispatched, a state of 25*l*. was given to him. Mr. Secretary afterwards showed him, with telling him he would have instructions for his discharge in Scotland, but it was ordered him to draw up some queries himself, about the state of the country as to debts; which he did, and they were approved. Some of the queries were, 'What were the designs of the several parties? Was there any correspondence between the Highlands and the Government? How affected to the House of Commons?' &c. He was also ordered to draw up a copy of letters, whereby to design the provinces there. The 1st of June, 1705, he came to Edinburgh; and wrote to Mr. Secretary on Thursday following, being ordered to send all his letters, 'To Thomas Hutcheson, at Edinburgh.' Mr. Secretary promised, the receipt of his letters should be acknowledged, and he proceeded after it, to know they came indeed, among his letters were intercepted, because he was suspected as a spy to that country. But, though he wrote three or four, he did not send word from Mr. Secretary, or did he order during his whole stay in that country.

'Being asked by the Lords, 'If he was recommended to any body in Scotland?' He answered, No. The 17th of Oct. he arrived in London, and the next day waited on Mr. Secretary, who showed him his letters, and told him, 'He had showed him to the Queen, and given him a paper he had sent.' But Gregg said, 'He believed the Queen had never seen of his name, till this last unhappy accident.' On the 28th of Oct. Mr. Secretary ordered him to be sent abroad, particularly to go to Mr. Melburn when he was sent to Germany, and was declared. On the next year's day, the Secretary drops a word, which startled him; he told him, 'he would be long.' But Gregg understood was relating him and

his office. Upon this, he presented a petition, 'That he might not be in the office, because the salary was small; and, being in debt, he could not live on it.' He was asked every day, the Secretary required of him, 'What his knowledge of languages?' he said, 'He knew some French and Italian; but knew Latin almost none either.'

'The 14th of April, 1706, he was admitted into the office; and a name was given upon Mr. James, as for one of the clerks, and Mr. Secretary told him, 'It was only to keep him busy in use, and that he would, make letters for him.' The 18th of May, receiving a letter sent to Mr. Vernon, 'That he was to consider of somebody to be left behind,' Gregg thought it to be intended to his favour, and wrote to Mr. Vernon on that occasion, desiring his continuance. But, the 23rd of May, Mr. Secretary having word to Mr. Vernon, 'That he had leave to come at his own time, but must leave somebody behind,' and thus being aware before any answer could come from thence, Gregg was seeking was meant for him in the former letter.

'Gregg made offer of service to Mr. Falkland, when he was to go, but he said, 'he was provided.' Then he told Mr. Secretary, 'The mind was depressed by an illness, and consent to be thrown abroad, and to go with Mr. Philip Meadows;' but that was refused, and Graham was sent. Then Mr. Secretary asked, 'What would make him stay?' And he gave in a list of his debts, amounting to about 25*l*. Since that, Mr. Secretary has ordered him, at several times, about 20 or 25*l*. in the whole; the last sum was 21*l*. in October last, part of a bill of 10*l*. for which debt he was pressed at that time.

'Being asked by the Lords, 'If his debts only made him so desirous to be gone?' He said, 'At the rate the business was managed in the office, it was a perfect drudgery. Their business seldom began off about 11 or 12 at night; and they stayed till 2 or 3, or later, though sometimes not above two letters to dispatch; and he thought himself happy, who could get away sooner. The method was, first, the letters were taken in short hand, afterwards wrote fair, then sent to Mr. Secretary's house to be signed, and after returned to the office or he returned, so that they were obliged sometimes to stay till 4 o'clock in the morning.' He said, 'That in April last, when Mr. the messenger was sent to Turin, the packet was left to him, though the youngest clerk, to be made up and delivered to the messenger. In that packet there was a letter to Mr. John Norris, and another to Mr. Clermont; most of the first letter was in cipher, Gregg entered both these letters. There was also another letter to Mr. C. Lordly St. well, and letters from the Lord Treasurer. He put them all up in the packet, and after gave them to Mr. St. well.'

'Being asked, 'If he knew, by the letters what the design was?' Gregg said, 'He under-

need Talbot was to be conveyed; he could not read the whole, but knew enough to find out that 'He said.' It was among the copies of the others which Mr. Harley, the clerk of the Secretariat being sick at that time. The queen's letters, the clerks, are made up before they are brought to the office; but the clerks are trusted to make up other letters.

"The Lords' Committee required him to give the whole relation of his Correspondence, when it began, and how long it had been carried on.

"Gregg said, 'The first movement was made to France was, in order to get money, by obtaining a pass, and that his first letter was the 24th of October last. From his first entering into the office, he had always a great business pursuing the French private letters, this concerned apparently and his poverty gave him the temptation. The French private letters came under a general cover, it went to Mr. Lewis Marchal Talbot's letters as under a flying seal, the rest of them came always sealed, but are opened at the office. Generally Mr. Lewis takes them down on the table, and lets the persons to the clerks, to Mr. Mann and Gregg; and when Mr. Mann left the office, they have been opened wholly to Gregg. If Gregg observed any thing that he thought unusual, he made an extract of it, and showed it to the Secretary, or Under Secretary; he mentioned a particular extract he had made out of a letter of M. Chassard's to Marchal Talbot.—Letters came from Nottingham every post, sometimes 10 letters came to them as a day from France, these came always sealed. From the time he came into office, these letters were never opened unless by the Secretary or Under Secretary, which he is sure of, because they were sealed when he looked at them, he cannot for that reason say but Mr. Lewis might sometimes look at Marchal Talbot's letters, because that had a flying seal, but the rest were left sealed as they came by Mr. Lewis to the clerk's person.' Gregg said, 'He had a dispute with Mr. Lewis upon the account of these letters: Gregg declaring he thought it not to be a business if for the under clerks to be trusted with.'

"Mr. Secretary Harley wrote a letter, in answer to one from Mr. Pombalston, thanking him for his civility to Mrs. Middleton. In mentioning it, Gregg found it to all turned, and the French he said, that he acquainted the Secretary with that. It was done, at eight, in October last. The letter was stopped, and lay a month in the office; but when Mr. Lewis said it was as it was written first.—The rough draught of the Queen's Letter to the Emperor, as it was altered by the Lord Treasurer, was left in the public book of the office as he returned the same night it was to be sent away, there, Gregg said, he found it, and removed it; and not other clerk of the office might have done it as well as he. All the business there made in a year, that day, is always in

the door, and not only the clerks, but the chamber-layers, may have access. All letters, except those written to the Duke of Marlborough, are entered in the books, but there are only copied in loose sheets. Gregg said, he had copied many of those.—The draught of the Queen's Letter to the Emperor was prepared by Mr. Lewis; it was then written on the hand of Mr. Thomas, Mr. Harley's chamber clerk; the address was in the Lord Treasurer's hand, Mr. Mann saw it as well as Gregg. Mann said to Gregg, 'That when was added to the Lord Treasurer, was much the highest part of the secret.' Gregg said, Thomas did it before it passed under the door, to Mr. Lewis. He showed the rest the copy in the Queen's Letter to M. Chassard, the same as the Queen's Letter was dispatched to the Emperor. He said further, That the draught of the Queen's Letter was given to Gregg; Mr. Secretary himself about one o'clock in the night, and he was solely entrusted to put it up in a Holy Handkerchief packet, after every body had left the office.

"Hobbs said, in his Letter to Gregg, to declare, 'That he had delivered his Letters to the Chamber-layers, and that Mr. Chassard was in correspondence with Marchal Talbot upon the subject.' Upon this, Gregg wrote a Letter to Mr. Talbot, of which he said, he had a copy, but pretended to report the words of the Letter to the Lords' Committee.

"The Lords' Committee told Gregg, 'It would be expected by the House, that he should be very clear and particular, as declared by what advice or encouragement he had been such a correspondence.' He said, 'But it was all; he was tempted to it by the draught, and the hopes of getting money.' He said, 'But upon hearing a French gentleman was accompanied to Newcastle for High Treason, he had desired to be admitted again to the House of the cabinet council.' But he would own, that he knew the man; but said, 'It had once heard his name was Vabert, or Vabert, he was told so by a gentleman, who said to see him since his correspondence.' He said, 'He had no correspondence in England, he only in sending the common Letter of the office, with other printed newspapers, to our gentlemen.'—Gregg said, 'He had been acquainted with one Crookshanks, who pressed him.' That, if it would please a House, he should have 100 guineas; and Gregg undertook to produce the man. The first time he wrote to Mr. Chassard was the 14th of Oct. last.—Brown a merchant, writer to Mr. Crookshanks, and one Robinson, a merchant were kept asked with this agreement about money, and they dined together at Robinson's house, and Brown spoke well for the man of the press could be produced.

"Gregg said, 'He acquainted Robinson having sent a copy of the queen's letter to Mr. Chassard, at the same time to Mr. Lewis Talbot, and showed him a copy of Marchal Talbot's and Robinson's

should also, 'That he read the extracts of the letters, at another time, in English to the House and Creditors.'"

"The Lords Commissioners asked him, 'To what he told the Bishop of what he had done in sending the queen's letter to Mr. Chancellor?' He said, 'It was downright madness.'

"They said then, 'Pray, God bless us! What did Mr. Archbishop say to him, when he told him he was come to bring us this story?' They asked Mr. Gregg, 'If he had more to say to their lordships, with leave?'

"He said, 'No.' And being told by them, 'That he presented him very much to a consideration of it, and the Lords observed, he had told them nothing but what he knew they had means to find out, he was to be fully satisfied of, without his saying any thing; and his lordships would be in the House of Lords in believing, that he could venture upon such a correspondence without some support or encouragement, he presented it, 'That he had no more to say.'

"The Lords Commissioners were moved, and had called for the keeper to take Mr. Gregg away, he took a leave paper out of his pocket which was sealed up, and took out of it a paper, which he said he had prepared against the queen's birth day, and desired the Lords to read it, as reported to be by Petition to the House of Commons; he presented by him, how to get it delivered, because he declared all the papers sent by him would be delivered to Mr. Secretary Haden.—The Lords taking the paper to be addressed to the House of Commons, told him, 'It was not proper to read it, as it was a secret;' and delivered it immediately back to him again."

"The Lords Commissioners, as they went away told Gregg, 'That if he would recollect how he had set down in writing any thing that he thought he had seen or said, or if he had signed and his great seal, he might avoid the law, and the Keeper should have delivered it secretly to us.'"

"The next morning, Gregg sent a letter to the Lords Commissioners; which, as soon as they had read, they returned to him again, by a messenger, with the following Message, 'The Lords of the Commons have ordered me to read this Paper to you; they being of opinion, that it is not material to the Commons, in which they were not to put by the House.'

"The Lords Commissioners think themselves bound to represent the House, that they did not send Gregg to be under any disorder, or to read the apprehensions as given of his mind."

"The declaration of Gregg, for his Treasurer, &c. put him with his Majesty's accounts, brought before the Lords Commissioners, and was then read upon his trial."

"The Lords Commissioners do think it their duty to represent the House, that they have not intended, by means of the keeper of the House, that one William Gregg had been taken to Newgate, and confined for his debts, &c."

setting the state of the kingdom, and that it was talked, amongst the meetings in the prison, that this was the same man, they sent to search the books in Newgate and found there, that in May 1697, that Mr. Gregg and Charles Gregg were confined, for counterfeiting the coin. Thereupon they sent for Mr. Toller, who was the keeper of Newgate, and brought the prisoners before them, and it appeared that Charles Gregg was found guilty and executed, but it is William Gregg was acquitted and that Thomas Holloway and James Newson were the prisoners at the trial, who, as we said, are both dead since that time."

"But one Thomas Hawley and James Bodley, declare, 'That they both knew that the man, who was then confined, very well, and believed that should have been taken, if they saw him;' the Lords Commissioners, on this account, sent William Gregg, now in Newgate, and they took of them the following, 'That they knew it, and were confident, that the person, now in Newgate, was the same William Gregg, who at first was confined, and whose way passed with us then found guilty, and burnt;' and they did both of them voluntarily make oath to the effect, 'and James Bodley swore, 'That, in the trial of the deceased in the neighbourhood of us here, that Charles Gregg took it a whole matter upon himself at the trial.' Their two Affidavits are laid before your lordships. After one of these persons had been taken Gregg, wrote a letter directed to the Lords of the Commons, in which he did very positively deny that he was the person who had been tried for counterfeiting, in May, 1697."

"May it please your majesty; We being also informed, that one Alexander Valere, otherwise christened Clark, was at present, by holding correspondence with your majesty's enemies, we thought ourselves obliged to advise, advised it that to direct the said Commissioners to examine Valere, and to inquire into his particular and circumstances of his offence. This being accordingly performed by the said Commission, it was reported to us; but the said Report, consisting of very many Extraneous, we thought it would be advise to appoint a Committee to digest and put it into some more method, to the intent we might be able to form a clearer and more certain judgment of the whole affair; and that Report being read and approved by us, we were one of us to be of importance to your majesty's service for us to present the same to your majesty. And for our majesty's more entire satisfaction, we beg leave to annex all the said Commissions, along to this our humble Address to your majesty."

Fisher also Clark's Presentation

"Your lordships having been pleased to appoint this Committee to take into their consideration several Extraneous Letters, and Papers, referred to them and to direct them to collect the matter into some method as

they should think more proper for the service of the House, the Lords Commissioners, have an abundance in your lordships order, endeavoured to put the many Manuscripts and Papers relating to *Alexander Valere* and *John Barnum* a national and proper method, and they do hereby lay the same before the House.

"*Alexander Valere* of his years commonly called *John Clark*, is a native of France, and when ever was Induced to the French troops that to assist King James, he desired some toleration previous, about the time of the Battle of the Boyne, he was not taken into the engagement, but was a witness to Mr. Deane, on charge in Captain Kalkoff's company in Belsham's regiment, where he continued about two years, and then got a discharge from his master, but refused to let himself as a soldier.—He came over into England, and served some time as a drummer in the army, and was afterwards a servant to several persons; and at last found himself opportunity to see Guyon a purveyor, and when his term was out, worked as a purveyor in the city, and married a soldier's daughter behind the Exchange, and got his living by making of paper bags. He well stood upon to be a papist, and his doctrine was generally for France and that interest, and he talked against the government more modest and public a manner, that, for that reason, at Jacob's coffee house, one Maitland there a pleasant hearer of his tale.

"Further says, that, one May day last he met *Valere* in the street; who told him, 'He had now got a better trade than penny-making.'

"Clark himself pretends, 'That during the peace, he intended some sort of mechanic doing, and that upon the breaking out of the war, having some share in a ship that was stopped in France upon that account, he applied to Mr. Secretary Hodge, to get a pass for Holland, but was refused.

"One *Widow*, of Doctors Commons, being employed to negotiate the exchange of M. D'Aleyn, Ambassador, and some other French prisoners, mentions of *Valere* as an interpreter; and afterwards *Valere* gave some account to the Secretaries of a fraudulent trade carried on between Ireland and France, by one *Thomas*, which might make Mr. Secretary Hodge first think of employing him to get intelligence. Mr. Hodge proposed that he should in the year 1704 S. *Valere* said, 'He thought through the able to procure intelligence by the means of one *Barn*, who was then in France, and was acquainted with M. Chateaufort, the commander at Calais.' In order to settle this correspondence, Mr. Hodge furnished him with 100*l.* in about a month's time, out of which *Valere* pretended he gave *Barn* 100*l.* and made a present to the Secretary.

"*Valere* says, 'All the service *Barn* did was to collect the intelligence from France; and in

a French boat, with the news of the taking of *Marston's* being lifted, and with *Blanchy*'s boat, (which *Valere* had sent to *Calais*), with the news of *Bastion's* being taken.'

"*Barn* went back to France, in fifteen four days, in the same boat with *Blanchy*, and did not bring the news of *Chateaufort's* being for a week, a watch, upon stockings, and some toys, which was the present observed on board.' In a short time after, *Barn* came back to England again, and brought with him a Frenchman, who had been a soldier.—He here acquainted Secretary Hodge with this, who granted him warrants for apprehending them both; but they made their escape.

"In the spring following, *Valere* saw *Barn* at *Duis*, when he was just come out of the custody of a messenger, having been long apprehended by the magistrates of *Duis*, in coming out of France. At that time, to his astonishment, *Barn* had a pass from the Secretary of state, though he had before told Mr. Hodge, 'he had 20*l.* *Barn* had 200*l.* before gone him, in France, for service in the King's *Valere* here said, 'He was sure this was fact.'

Barn's Examination.

"John *Barn* gives the following Account himself, and of his transaction with *Valere* and with Mr. Secretary Hodge: he says, 'He a native of France, and was successively a Dragoon, during the late war, till the twelve years; when he left him, upon a dispute between us concerning a prize. At *Duis* he had opportunity of visiting several other and soldiers in the English service, who surprised them; and they promised to help him in his profession, if he would come to England; which he did, as soon as the pass was made. He became first acquainted with *Valere* by means of the master of a ship St. *Valere*; and this acquaintance was continued by one *Detachon's* means: it is by him from *Duis*, upon account of *John* is owed, who was known to both of them. He went, being about to return to France to *Barn*, 'That *Valere* proposed to him, sending over the Pass *Gregg's* order by the way of Holland,' which *Detachon* had promised to do, if he might have leave to the other side. Afterwards *Valere* made some proposal to *Barn*; who said, 'to do it, if he had provision for his journey.' *Valere* said, 'He had a sufficient money sending him to France,' and produced a paper, sealed, with his Master's name; and *Valere* went with *Barn* to the secret office, and procured a pass for him, by Holland. *Valere* gave him a new set of which he never received; and also a book of choice for a watch, which was to be a silver one *Neuman*, a merchant, at *Bremen*, to him 20*l.*; and the money was returned by *Valere*, from *Bremen* to *Calais*: which *Valere* he collected all Dec. 1701, at

was that he had not more rewarded him by his own. He went constantly to Valere, by means of Holland, such news as he could hear of, till about the 4th of October, he was sent to England, in a boat he had hired, and brought with him a Pass-Quatre, which he delivered to Valere. In consequence of this, he was sent back to Calais, on Board's ship, who had been sent over by Valere with one parcel of wool, consigned to Chateaufort, while Barn was at Calais; but at this time had carried over no goods, but only an opportunity to Chateaufort for 11 ankers of brandy. They stayed at Calais three weeks, and the necessary bore the whole expense.

Barn returned to England, and stayed at Hagger about a week; and then went back to France, with Barn's boy only; in this passage they were driven to Newport, and were prisoner: but Barn sending a letter to Chateaufort, upon his writing to the governor of Newport they were released, and proceeded to Calais. At this time Barn carried over with him six casks of wine, 2 pieces of stuff, 2 pair of stockings, and 2 pairs of boots: the stockings only were a present to Mr. Chateaufort, because was for Barn's subsistence, Valere (as he then said) having no money to give him—Barn was at Calais two months, and then came to Mague, and brought with him one Corbelle, a merchant; with whom he went to London, and requested Valere with their long consignment, and that Corbelle was then at London. Valere (as Barn has been since learned by Barn) sent this Corbelle back to France, by the way of Holland—Barn, during his stay in London, finding there were no persons on from Mr. Harley to come to him, which were procured by Valere; and he then desired Valere with it—Barn went to Deal, where he stayed seven weeks, and at Deal he was at last sent; it was whence he found means, by an English prisoner, to convey a letter to Chateaufort, desiring a boat might be sent for him, which was done accordingly, and he was sent to him at Calais—Barn, during his stay with Chateaufort, conspired of his escape from Valere: the consistory advised him to return to England; saying, "He wanted Valere had a protection from Mr. Secretary Harley; and Barn seeing by Valere's advice, it was impossible he should suffer by the government, and that Valere must be a prisoner, if he did not protect him"—Barn, about the 21th of April, and, upon his landing, wrote to Mr. Harley, but, before it came to him, he was seized at Dover, and brought before the judges."

Capt. Whitelock's Examination.

"This was done by the means of Captain Whitelock, who gives the following Account of the matter:—In April 1703, Carter informed that Barn was returned; whereupon he went to him, and had him examined before the judges at Dover, who took affidavits of the matter. Mr. Whitelock told the following of

this to the Commissioners of Customs, with copies of the affidavits, by a letter of the 22th of April. This letter follows:

"Custom-house, Deal, April 22, 1703.

"Sir, Barn's return, it is now about a year since I had notice, upon the deposition of Cook, and others, relating to a conspiracy against navigation by some French refugees with France; in which one Carter, a husband of this town, had a considerable hand; his relations having left him his family, in mind being apprehended, as I informed you by my letter of the 24th of April, 1702. About two months ago, Carter was sent word, 'That, if I could induce him to return to his family, and suffer him to be quiet at home, and obtain for him the pardon of the government, for his past faults, he would soon make a discovery of some practices of very dangerous consequence to the government;' and accordingly, that one Barn, a Frenchman, was waiting about these parts, waiting the opportunity of a French boat, to come to fetch him to France; and, in pursuit of this information, he discovered to me where the said Barn was concealed; but before I could get to the place, he had got his passage, by a French boat for France, about half an hour—On Friday last Carter came to me again, and told me, 'That Barn's return was every day expected.' And was so diligent in the prosecution of his information, that yesterday morning he requested me where Barn, one Bertram a shopkeeper of Canterbury, and the son of Barn's accomplices, were. Whereupon, with the assistance of Mr. Foster (your surveyor and Dover), I apprehended Barn, alias R. was, alias Barnard, alias H. was, alias John, by all which names he is known to several persons who appeared against him. For the rest, I humbly refer you to the copy of the several depositions and your affidavits, which will give you further information in this matter; but I am very I am to tell you, that though I have got the man, yet he had time to convey away a packet, which I presume was letters, letters I could apprehend him. all the rest of the goods which he brought over with him being only two ankers and a few bottles of brandy, which I sent to Mr. Mervin's, and have brought to the Customs-house at Dover, where also Barn is now in goal. Wherefore I humbly beg of your favourable consideration of this matter to the use of the state, that Carter may be punished for his past crimes; and that he may have such strong encouragement as may enable him to do further services, which I believe he is capable of, he has not yet discovered to be the culprits in this case. I am, Sir, To the B. C. Council, L. Whitelock.

"This gave occasion to Mr. Secretary Harley to send a Letter to Mr. Whitelock, dated the 24th of May, 1703; which follows:

Whitcomb, June 1st, 1708

"My dear son, I am glad to hear that you are the first instance of your great country being thus long for her independence. You will surely believe, it is of the greatest consequence to have such advice of a country in danger; and, in order to it, as everyone has their different duties, what he wants, provided you can do it, giving way cause of suspicion, or being moved by any body. I am, Sir, &c.

"Be Believ'd."

"The Mr. Whitcomb did nothing upon the 1st, not thinking a continued order should be left to them enough to satisfy him.

But Burs says, "That, a few days after his examination before the court of Dues, he came to London by Mr. Harley's warrant, and went to the secretary, he had been in France; and that he had been sent back by Valere." Burs continued in custody 31 days, after which, Mr. Harley sent for him, and told him, "He had promised with the queen to pardon him; but he must go away immediately to Dues, and see what naval operations were there; and bid him say nothing, and he would make use of him." Burs refused that voyage in an open boat, and returned in seven days; and brought word, "That since the 1st of June, we had nothing, as that Dues was gone northwards, after the French fleet."

"This was the time he was carried over by John Mason, a cooper; who says, 'That, when they landed, Burs and he went directly to the governor's house; Mason stayed till Burs came down to him. Burs was well known and well received on that point. They stayed there two days, and then returned. Burs was not asked near Sandown castle. He was very fearful of being seen, being well known as the coast."

"Burs says, 'In the same year he was sent by Mr. Harley for the Paris Gazette, and was accordingly.'

"It appears, by the Examination of Isaac Reed, 'That, that year he carried Burs over to Calais, that, which they landed, a file of soldiers to lead them into country; and, as they were going along, a man speaking to him, he said, 'I know upon the face of it, that that was carried before the prisoners, where Burs was kindly received. He stayed with the commissary for some time, was mostly at liberty, during two days that he stayed. After which, Howard brought him back to the Dues."

"Burs says, 'He was arrested at Dues, he thought was by Valere's means, who ordered him to have a boat. He went then to Mr. Secretary Harley; who, upon seeing Whitcomb, to help Burs to a boat, he would not do it, so Burs went to London, and complained in the House of Commons."

"Burs says, 'He was at Calais, with the

Prisoners, about six weeks before the Marston-Court and Gravelin were taken. The Commissary told him, 'There was a great fleet in the Dues, which were to be conveyed by some means or other; and that they were going at Dues, to see men of war, to intercept that convey; and he had promised many promises, and he said, 'He would do what he could for those ships.' He said, 'He hoped this year they should have their revenge, and ships should not go out of the Dues so easily as they had done; At this time Chalmers told him, 'Valere played him a trick; and showed him part of a letter from Valere (that would not let him read the whole), wherein Valere bid Chalmers 'have a care of Burs; for that he was employed by the government in England."

"Burs stayed but three days at Calais, and came directly to Mr. Harley, and told him what he had heard about the Dues, and the ships, but did not then mention what had been shown him in Valere's letter; having several times before acquainted Mr. Secretary, 'That he trusted Valere was made; and that he was not the man he took him to be.' But Mr. Harley never answered him any thing to that matter.—When Burs told Mr. Harley about the Dues, and the ships, he seemed not to believe it, but when those ships were taken, Burs went to him, and asked him, 'If he did not believe it now?' To which he replied, 'He did remember Burs had told him of it."

"John Carter says, 'That about the 27th of March, 1708, he came first acquainted with Burs, who used to go over from England to Calais, and return in French boats. He was arrested at Dues by Mr. Whitcomb, which Burs reported to be by Carter's means; he was examined before the magistrates; but was soon after sent for to London, by Mr. Harley's orders; and in a short time after returned to Dues, and, pulling out of his pocket a handful of guineas, showed them to Carter, and told him, 'See what I have got, by being sent at Dues by your means.'

"Valere spoke very ill of Burs to Carter; and persuaded him not to have any thing more to do with him; but though both of them relied on each other, when a wonder; yet, when they met, they appeared to be very good friends.

"Burs doing little service for Valere, as he pretended, he looks with him; and then went one Green, of Chesham, to St. Christopher, but he also did little service, and was in more employed. He after engaged one Stephen Barry, a druggist, in London, who was then lately back. He was sent over to Calais, by the way of Holland; and was directed to tell Chalmers, 'That Valere's intention was, not to get with news as he thought it to send and to desire him to convey it to Valere.' The first boat which Valere owns to have sent over to France was Hinde's, a westman, of St. Christopher's, near the Tower.

"The account which Reed gave of his voyage is in follow: 'That, in August 1708,

Valere, telling him he had a sufficient authority to protect him from any mischief might arise upon account of his going to France, sent him to Calais, with some wool, consigned to Chaussement, and a letter. As soon as he landed at Calais, he was seized, and carried to the governor, and after to the commissary, to whom he delivered the letter. But he was carried to an inn, and prevented made for him; and, sitting with three, a physician was sent to take care of him. He was used with much civility, and the commissary defrayed all charges; and also, his boat being much out of repair, the commissary took care of having a put in very good order, out of the king's stores, without any expense to him. He brought back brandy, and a letter for Valere, which Bond delivered to him. In September following, he made a second escape, upon Clark's account, when he came over from Calais. Clark wrote a letter, which he gave to them when they landed. Barn left him, and went directly into the town. Bond was carried to the former inn, and his charges were paid, as before. He went often to the commissary's house, and was much made of, and, after about ten days was brought back Barn, and 17 casks of brandy, and a letter from the commissary, which he delivered to Valere.

About Micbuaniser 1768, Valere employed John Carter to buy wool, and procure him to go over for him to France. Carter brought John Weaver and Philip Wadding to Valere, who told them, 'He would bear them out for going to France; for he was employed by Mr. Secretary Hartley' and showed them a paper, with his name and a seal; which they the captain gave credit to, because Valere had before been examined by the magistrates, and set at liberty; and thereupon Weaver, Wadding, and John Barclay (apprentice to Weaver), went over to Calais, with some wool, and a letter to the commissary, and another to one Casan's merchant. They were all seized, at their landing, by a guard, and carried before the governor, who questioned of them, 'What came to England, and what ships there were in the Downs, and whether bound, and what strength the English had in the Straights?' They told the governor, 'They had a letter for the commissary.' The governor sent them to him, and they delivered him the letter. After three or four days, the commissary himself came to them, and brought them a packet for Valere; upon which, they returned for England, and delivered the packet to him; who thereupon went immediately to London.

Soon after, the same crew went over again, with wool, and a letter to the commissary. In their passage they met with a small French privateer, who stopped of them what men of war and merchantmen were then in the Downs. And, as Hartley says, Weaver and Wadding told them all they knew of the men of war and merchant ships, whether they were designed, and when they were to sail; and, having given due account, the privateer suffered them to go

on. As soon as they landed, they were seized, and carried first to the governor, and afterwards by the guard to the commissary, to whom they delivered their letters, and there were carried to the inn, where they were kept till six or eight days under a guard, and not suffered to go out, because the Dutch galleys were then in the road. When the galleys were gone, the commissary gave them a packet for Valere, and they returned, and delivered it to him. At this time Valere told them, 'He could have, when sent to go for the last company,' but they refused to take him, and so they parted.

In July 1768, Valere proposed to Daniel Morrisson and Joseph Verge to go to France, and let them take in what goods they pleased, and he would give them a letter which should protect them. Upon the credit of this, they provided wool, and had two letters from Barclay, one to the commissary, and the other to Casan's merchant, who was to furnish them with brandy for their road, and then they set out, together with one Holly, merchant in Calais; where, upon their arrival, they were seized by the guard, and carried to the governor, who questioned them about their number and rank of the men of war in the Downs, and particularly about the Dutch frigates, and if they knew to what place they were bound, and if they were intended for a descent upon any part of France; what frigates were cruising off of Beachy, Dover, and the North Foreland; and what merchant ships there were in the Downs. They showed the governor the letter they had for the commissary; and he returned it to them, to carry home. The commissary sent them to Morrisson's house; and told them, 'They must not go from Calais till they had two packets; which in two or three days after he sent to them directed, 'To John Clarke, merchant in Bristol,' together with a pass to secure the against prisoners; and they brought him brandy with them.—In August they went on again; and upon their landing were carried to the governor, and were again questioned about what ships were in the Downs. They told them, 'The Dutch merchantmen were gone.' They brought back brandy, and a packet for Valere from the commissary; and the commissary's house kept coming up with them, they threw the packet overboard.

Valere's general directions to them in employed to go over to France were, 'That if they thought themselves in danger of being taken by the English or Dutch vessels, were to throw their letters on-board, but if they met with French ships, they should deliver their letters, which would help them to France.'

Morrisson and Verge, upon their return, were brought before the mayor of Deal. They denied they had been in France, but Morrisson confessed it: some after both of them were let by messengers to London, and before the two secretaries of state, where they were examined, they signified their will

that passed at Calais, and with their throwing the powder into the sea, according to Valere's orders. Upon this, they were recommended into the custody of the magistrates, where they remained five weeks, and then were discharged without any farther examination.

"Varey says, 'That, whilst he was in prison at Dord, Valere came to him, and said that he would take care he should come to his house.' And says, 'That, the very same night he came out of custody, Valere came to him, and proposed to him to go over again to France, but he refused to go, being sick at that time.'

"In August 1703, Valere employed Thomas Gable and ———— Speed, both of Wiltshire, and Thomas Horton, who carried over wool, and a packet for the commissary. Upon their landing, they were immediately carried to the governor's house, and there very well; and asked them 'What news in England?' and what ships of war, or merchant-ships, were there in the Downs?' The commissary showed his letters to the governor, and then carried them to Marcellus house, the next day; and they had not been a week in town so many days, till letters came from Paris, and then were dispatched with Speed, and a letter to Valere, which were delivered to him.

"Goble and Speed refused to go a second time, because, as they told Carter, they were taken, every exactly by the commissary, what was in England, and what ships were in the Downs? And the commissary took notice of it, and detained them there till he was in Paris, and had a return; and for this reason, they were afraid to go any more.

"In September 1703, Valere sent over John de Humeau a Huguenot. He persuaded them all over somewhat, though they had no mind, which they refused to do; whereupon the governor provided, which the two Huguenots carried out of them, with a letter to the commissary. H. Humeau believed the letter did not do much, because the wool was sold to some parties. They were seized upon landing, and carried with the letter to the commissary. He read with them to the governor, and he was upon his knees till he came to the governor's house. They were received very kindly by the governor, who made them drink, and they were seated. The governor opened the letter, and showed it to several gentlemen there, who all returned very well. The commissary carried them, and gave them orders, to the best use he could make of them, very well treated at his house. The commissary brought them when he was in Paris, and said, 'The governor had ordered that they should carry no letters or goods, and apprehending he would be used to find out the true state of the nation in.' 'If he had any particular news that is in or heard, but he refused to tell it.' The governor said, 'That gentleman

speak good English. The Huguenots brought him to Valere, at Mrs. Richard's house, at midnight, who prepared a house for him; and he went away to London that night, without a guide, and Valere followed the next morning."

"Valere says, as his examination, 'That man was Stephen Henry, who brought the report of the taking of Paris.' And Mrs. Richard says, 'He told her, that it was his brother-in-law, who lived at Calais.' And she also says, 'He brought several papers with him, which he gave to Valere to read.—About a week after, Valere returned to Dord, and within a week after that, the French gentlemen came back, and brought with him three other Frenchmen, who went that opportunity with Valere for some time. Afterward they all rode out with Valere; who, by some means or other, got them over to France. Mrs. Richard says, 'That Valere told her, that the father of one of those three Frenchmen was a person known to him in France.'

"In October 1703, Valere sent the two Huguenots, and William Brown, over to Calais, with wool, and a letter to the commissary. Upon landing, they were seized, and carried before the governor;—after that, they were taken before a justice, and were accused of having carried a spy into England.

"Marcellus desired them, by order of the commissary, to deny they carried any body, which they did. They were kept in custody 14 or 15 days, till orders came from court to discharge them; and then the commissary sent them away to England, with one letter to Valere.

"About a month after, Valere employed Reven, Des Preaux, and Pierre Baker, of Dover, to go over to Calais, with some wool, and a pack, in which was a box and other things; but their boat was seized at his death by the customs house officers, who took away the wool, but over-looked the pack, which they brought back to Valere. And about a week after, he sent Reven, Baker, and R. Horton, with the same wool, some wool, and a letter to the commissary at Calais, together with a young man whom they carried to France. They were seized and taken to the governor's house, as usual, and the commissary came to them, and opened his letters there. They were in a short time dismissed, with bread, and a letter from the commissary to Valere.

"Hitherto Valere had employed other people to go to France upon his secret; but, about June 1697, he sent himself to Roulogne, with Weaver and Withing, and they carried over one pack of wool. They went off from Rhyth, as soon as they landed, they were all seized, and kept in custody, with a watchful upon them. But Valere had time to speak, with one Withing, a merchant, whom two days ago had taken of. Valere told him, 'His business was to get money, in order to buy a paper; and that he had a friend at Paris, who would send the money, if Withing would receive it, and present it to him.' He presented the money which was given to the

at home, and went with the town for two or three hours, and then came to them, and told them. 'They were got ready to go away that night.' He was a very good business, and said, 'He had now caught the old one.' By which they understood, he had heard some good news. They brought back bread; and landed Valere at Doulogue, who immediately went to London.

'His next voyage, which (as Valere says) was the latter end of August, Valere did not go over himself; but sent Vergo, Blauy, and Weaver, who brought him the news of the raising the siege of Toulon, and a packet to Valre, the merchant, at Aldersbury Church-yard, which Valere pretends he burnt, without opening it.

'A ship, Weaver, and Vergo, speak of as being in the company. They say, 'They carried it from Valere to the commissary at Doulogue, and some wood. When they landed, they were seized, and carried to the prison, and examined about the ships in the town, and were asked several questions as usual. The commissary took them to his own house, and they dined at his own table. The captain of the Doulogue ship shared with them, and boasted of his having robbed some English gentlemen in Kent. They brought back letters to Valere, which they delivered to him.'

'Joseph Vergo says, 'He believes Valere is as devoted to the government, and gave directions for it. 'That, being about to go over to Doulogue, he said to Valere, 'Master, if we should bring back the good news that Toulon was taken, he hoped Valere would give them a glass or two.' He made answer, 'That, if he would bring the news that the emperor surrendered, he should be better pleased, and would give them 10 glasses.'

'In September 1703, Valere sent over Le Hing, Winkang, and Vergo, with a letter to Colbenny; but, they being seized as they came back, what they brought did not come to his hands.—Say, 'They were taken by an Oxenford rather private to Doulogue, who took their letters and every thing from them. They were almost naked to Doulogue; and the commissary being absent, his clerk refused to give them credit, but Le Hing got credit for about 2*l*. After about 11 days more, the commissary took gave them 2*l* before for Valere. They landed at Dover, where their boat was seized, and as they going to Dr. they were taken by an Oxenford, to whom they delivered their letters delivered to Valere.'

Valere says, 'That what letters he had, he sent to Mr. Hasky, and that, in the following year, a boy had been employed, in London, but never less than 1*l* a year.' He also says, 'That an Englishman made a proposition to him, to go with him to a small town in France, to try if St. Helena.' He did not say what Mr. Hasky was then, the reason whereof was, that Mr. Hasky told him, 'He was not a middle-aged man; but he was old, he

employed him as.' He says, 'That one Pope and Charles Cook, both of Lod, were of and returned letters to and from France; and he was Lord of Doulogue, and that he bought horses for the duties; that Page was employed to supply the Doulogue ship with food and intelligence.' He told Mr. Hasky of it; who had borrowed the business he employed him in, and not trouble him with such other matters.

'Johnston Riches says, 'That, towards the latter end of April last, Valere came to his house at Bath, in the night, and dined a private lodging; and some after went her out, to know what news of war was there in the town. She went to the packet-house, who told her, 'There were only three news of war there, and showed them to her. She brought the account to Valere presently. She has forgot the names of two of them, but surely believes the Royal Oak was one of them; because a ship was belonging to the Royal Oak, was at that time in her house, and borrowed a bottle of oil of sweet of her for her wife, who was then on board the Royal Oak. Upon her naming the ship to Valere, he set down the names of them in his book; and some after went out, and stayed so late that no lodging could be got for him; so she set up all night, and he lay in her bed. She further says, 'That she believes Blaud went over to France about that time.' For which she gives this reason. 'That Blaud and Mrs. Atwood being together at her house, Blaud said, 'He hoped he should soon bring them better news, and desired her to buy for him some milk for bread.' She says, 'That Blaud went over the Downs, and went aboard several ships there.' Blaud told her, 'It was only to get some of the ships to take off his bread when he came back,' but she looked on that as a promise only; and that his true business was, to observe what ships were there, and of what value they were. The same things advised by Mr. Bowyer, who gives a very particular account what an insolent and desperate fellow this Blaud is. Mrs. Riches says, 'Blaud owned to her, he had been four times in France since the beginning of the war.' Whereas Blaud denies that he has been there since that time.

'Carter says, 'That he was extremely acquainted with Charles, and always took him to be in the French interest; he believed him to be a priest, for he would never go to church, and always talked favourably of the papists.' Carter also advised Charles to be more cautious in managing his correspondence with France; for, if he continued so, not so as to put a man on the road would look him on the hand. Carter said, 'The men had several times come about there, and called them French ships and papers, and reproached them for betraying our ships, and giving intelligence to the enemy.—Valere would often speak extremely proudly of the great news which he had, 'It was never so good upon them, than upon such men as Carter.' He said, 'He knew his way, or if he was very well, and almost why talking would serve

has 'Gang, as Carter and Clarke were riding together upon the beach, they saw 10 ships at sea. Whereupon Clarke said, "Here is news for my master Hurley. I will send him word, here is such a squadron of French ships." Carter said, "What! before you know whether they are so or no?" To which Clarke replied, "It is all one for that; it will do every body as well."

"In the latter end of 1703, Carter brought to Mr. Winshall three letters, which he had received from Valere, with directions to put them into the hands of the man who was going to France. One of the letters was directed to Calais, a merchant in Calais, the second, to the consistory at Calais, the third, to the governor or commissary of Boulogne, he is not certain to which of them. Upon this, he wrote to Secretary Hurley, and gave him an account of these three letters, telling him, 'That the word being not out of the way, he had opportunity, if he pleased, of seeing them, and judging if Valere dealt honestly or not.' But to this letter he never received any answer. Mr. Winshall did neither open nor send these letters, having been before reprehended by Mr. Secretary for what he had done.

"Mr. Winshall says, 'That Valere and Rum were generally known upon the coast by the detection of Mr. Hurley's agents; especially Valere, who begged of him being employed, on all occasions, and in all companies. Rum was more cautious, and seldom appeared by day.' Mr. Winshall said, 'It was his opinion, and the general opinion upon the coast, that they carried more intelligence to France, than they brought from thence.' He says, 'The trade to France was much suppressed, till this encouragement was given by employing so great a number of men; for Clarke did not confide himself to certain persons, but employed every body he could get, by which practice the whole coast is corrupted. So that now a much greater number of officers will be wanting, to prevent the pernicious intercourse with France, than have ever yet been employed.'

"Mr. Bowles gives several reasons, which made him think it necessary to remove Valere; as, the public knowing of his power to protect any one for going to France, his declaring in coffee-houses, before the magistracy, 'That it was not treason to trade with France, unless one carried warlike stores thither;' and his sending over boats, when he became so common and abused on the coast was exposed. These and many other reasons made Mr. Bowles conclude, that Valere was indeed a spy upon us; and that by his means, for these two years last past, France has had intelligence in their advantage, and are like still to have so. The Clark having said many witty acts of boat, the same gangs will be disposed to go on as usual in the same. And he believes that they may have been the principal occasion of the loss of several of our frigates upon their spying strange; as also of the loss

of the Hampton Court, and Grifone, and a many of our merchant ships."

"May it please your most excellent majesty, We, your majesty's most dutiful and loyal subjects, do humbly and respectfully petition, that we may be excused, having entered into a solemn and sacred oath, not to divulge any thing, which we have heard or received, respecting any person, who is now under the following Examinations, until it is so required. That it is our opinion, that the manner which William Gregg stands accused in, is not so honest or sincere, and is tainted with such extraordinary circumstances, that it is necessary, that we should not be made a spectacle. And also, That it does please your majesty, as well by what Alexander Valere and John Barn have related against each other, as by the many circumstances, that we cannot imagine them, that they were both in the French interest, and ought to be treated as enemies. By any persons in your majesty's service. And that the open and public manner of the correspondence managed by them with the governors and commissaries of Calais and Boulogne, could tend only to serve the intelligence to the advantage of your majesty's enemies, and that it is highly probable thereby the nature of our country, the strength of our country, and the loss of sailing of our merchant ships, have been betrayed to the French.

"May it please your majesty: It is your majesty's glory, and the happiness of Europe, that you are at the head of one of the greatest and noblest armies that ever was known in history; and it is the common concern of the whole alliance, that your councils should be kept with the strictest secrecy. That, as the papers now laid before you, your majesty will be pleased to observe, that some of your most valiant of the greatest moment, and that required the utmost secrecy, have been sent to your majesty by the same post they were dispatched to the allies; that all the papers in Mr. Secretary Hurley's office have, for a considerable time, been exposed to the view of the common people in the street; that the perusal of all the letters to and from the French plenipotentiaries was chiefly trusted to Gregg, a person of a very suspicious character, and known to be extremely dishonest. It is not easy to be known what all these papers may have attended such exposure. But we depend upon it, that there is no better that should have appeared to your majesty, we shall be secured against any danger, that nature for the future. We are humbly desirous to be heard of in your majesty's service, and we wish to be in your majesty's service, which has at last received great and an encouragement by the nature and position given to France and France, which that he afterwards should be your majesty's enemies and enemies to have

"—I hope they please, your majesty's men and merchant ships will be in danger being brought to the French, and that the disruptive trade of sending wool to France, which has been with much charge and trouble so stopped, and beyond measure increased, will be reduced to a greater degree than it is."

—*After the Resurrection of Valere, see vol.*

Alexander Valere, alias John Clark, being constant, said, "That he is a native of France, and came over into Ireland in the French regiments sent thither withing James's pretence he deserted six days before the death of the Boyne; he was hired as a servant in a stage in Brinsford's regiment. After the fall of Ireland was over, he came into England; and, after having served several persons, he found himself appointed to a parsonage; and when his time was out, he went to be in the city, and followed that trade. He pretended that he entered into merchandizing while the peace lasted, and that he had a part in a ship that was stopped in France, and upon that account he applied to Secretary Hedges, to get a pass for Ireland, but it was refused. One Wilson of Dorset-Cornewall was employed upon occasion of writing about the exchange of prisoners, he named D'Allegre, Gallandiere, &c., and Valere said, "He was made use of as a negotiator on those occasions."—He said, he care some account about one Hanson, who died as a fraudulent trader between Ireland and France, and he does not know but he might be the occasion that Mr. Secretary Bailey might first think of him, to procure intelligence." That, in the year 1764-5, Mr. Secretary Bailey proposed to him to be employed in getting intelligence. Valere said, "He could do it, by the means of one John Barr, who was then in France, and was acquainted with Mr. Chalmers, Comptroller at Calais."—He said that that was Mr. Bailey's about a month's time, upon promise of settling the correspondence, which enabled him to furnish Barr with money, and to make a promise to Chalmers. All the service Barr did was to come into Calais twice, once as a French boat, and once as a Dutch boat, and brought only the news of the death of D'Allegre's being killed; and Barr's boat, which Valere hired, and brought the news of Barr's being killed. Valere said, "Barr went back to France, in 5 or 6 the next time, with only Barr's boy, and Valere proceeded to carry from him to the city, and for making a book, and several other things, and several letters, which were all sent to Barr during the time he was in England again, and he was with a Frenchman, who was an officer. Valere acquainted the king with this, in September, or October, and the king granted him the appointment

ing of them, but they both made their escape.—In the spring following, Valere was Barr at Deal, when he was just come out of the custody of a messenger, having been first apprehended by the magistrates of Dover for coming from France. At that time, he was informed, Barr had got a pass from the Secretary of State, and there was one Barr, of Chalmers, who was Mr. Chalmers' son, but he also did little service, and was no more employed.—Valere said, "He then engaged one Stephen Barry, a druggist in London, who had lately broken, he was sent over to Calais by the way of Holland; he was directed to tell Mr. Chalmers, that Valere's business was only to get such news as he thought fit to send, and desire him to convey it to him."—Once, at the beginning of the year 1766, there was some agreement to Valere by a French boat; but they sent him word, "That, if he expected any news, he must send a boat for it, for they would not be at the trouble or charge of sending it over." Thereupon, about November, 1766, Valere employed one John Carter, of Deal, to buy some wool, in order to send on English boat, and then F. Wadding, J. Wren, and Weaver's apprentice, were sent over, with a pack of wool and a letter, and returned with news, "That Philip was like to lose Spain." Then he went to Mr. Secretary.

"About a fortnight after, the same boat went over again, with the like quantity of wool, and a letter to the commissary of Calais.—The next time, Valere sent Thomas Gushy, Thomas Hutton, and one Reed of Walsam, with wool, and a letter to the commissary; but the commissary stopped out of their cargo 100 bales, for the charge of sending the intelligence.—Then Valere sent over the two Huttons, with 20 pounds of wool, and a letter to Chalmers. They brought over Stephen Barry, who came across to Valere, with the news of the taking of Turin, and the emperor's ensuing repentance in London the same day. Next he sent over William Brown, with the two Huttons, and some wool, with a letter; but they were detained prisoners, and Chalmers' stopped Valere's wool, and he had nothing for it.—Valere sent once more to Calais, F. Barry, W. Brown, and E. Hutton, but they brought no news, only an order from Chalmers, "That he should send nothing more."

"About Midsummer, 1766, he went himself to Boulogne, with Weaver and Wadding, and one pack of wool. They were all seized at landing, and all kept in a room, and a criminal upon them; but Valere had leave to speak with his merchant, Mr. Stride, who in two days time got Valere released. Valere told Stride of his business in getting news, in order to lay wages, and "that he had a friend at Paris, who would send the news to Stride, if he would transmit it to England." Valere pretended he did not write or speak either to the commissary or governor in this time, but had only encouragement from Stride. Valere said, "That he then discovered that the French had taken his wool to send, and sent the news to Mr. Bailey."

"Valere went over a second time to Boulogne, with Weaver, Welling, and Le Mare, and one pack of wool. The duke D'Anvers was there at Boulogne. At their landing, they were then more severely confined than before; but after some days the duke sent for them all before him, and asked them many questions concerning their business, and how Valere was treated over with so small a quantity of wool. Valere told him, "He was employed by merchants concerned in wagers, and his chief business was to get the Government early over." The duke was much pleased with it, and promised he should have something more, as he did not suppose to get any but from the commissary Colbenson.—The duke said, "He was going to Paris, but would take care that Colbenson should have the intelligence, to consult Valere with the same." There were several gentlemen in company with the duke D'Anvers, when this was said of the duke said, "It would do us hurt to them to have the public news sent, for their government would be wise, as to suffer no news to come abroad that would do them hurt," where to they have intelligence of matters of the greatest importance from England; for instance, "That they had lately written advice from England, that the duke of Berry's design was upon Toulouse." When Valere told this to Mr. Harley, he seemed to start, and said, "He wondered they should tell us."—The duke D'Anvers proposed to him, "That he should have a couple of new horses for him; and upon that condition, Valere should have liberty to come when he would."—Valere agreed to do so; and the Duke sent his groom along with him. These horses were to be sent by the Boulogne ship, which was to come to a certain place for that purpose. Valere said, "He accompanied Mr. Secretary afterwards with this; who approved it, and gave him a pass for the groom by the name of Thomas Birch."—Valere said, "That Mr. Birch gave him privately a letter from his friend at Paris, which told him, "That Monsieur Fouquet, with his squadron of 2 men of war, had orders to pursue the French fleet, though never so far northward or eastward, and to sail on them if possible; and advised Valere to make upon them." He said, "He told Mr. Harley this news as soon as possible he could," who made answer thereupon, "We have twelve men of war; we fear they are."—The horses being bought, Valere went over the next time without wool, with Weaver and Welling. The Duke was then gone to Paris; but Valere told the commissary, "The horses were bought." He was then supplied with the news without any trouble; which he told Mr. Harley at his return; who was pleased with it, and ordered him money; and directed him to go away immediately; and upon his return to assist him at his order.—Towards the latter end of August last, he sent over Virgo, Weaver, and Weller, and they brought him the news of the taking of the city of Toulon, and a packet to our Castle, a merchant in Albi's company directed him.

Valere presented he turned the packet without opening it. The Secretary, he sent over Le Mare, Welling, and Weaver, with a letter to M. Colbenson; but, they returned as they came back, when they found for him did not come to his hands.—Valere said, "Being letters he had he used to send to the Secretary; and that he believed he had sent letters to our short years that he had been employed."—Valere said, "There is one Fitzgerald, who made a proposition to him, join with him and two other persons to carry off Huguenots." He did not approve Mr. Secretary Harley with this. The reason, he said, was, that Mr. Secretary told him, "He was not to meddle with any business but what he employed him in."—Valere says, "When he was at Boulogne the second time, he was two letters at the commissary's, one directed to Mr. Poynter, the other to Mr. Cullen, and told him, "The duke D'Anvers told me that correspondence with them." He requested Mr. Secretary, "That Cullen had correspondence with France, and paid many by orders from thence." He said, "Harrison Page and Charles Coughill, both of Lydd, carried and returned their letters." He said, "He had seen Coughill at Boulogne; and that he brought letters for the duke, that Page was employed to supply the Boulogne ship with wool and intelligence." He says, "He told Mr. Secretary Harley of it, who told him, the business he employed him in, and engaged himself with other matters."—Valere said, "That he told Mr. Harley, that he knew the Duke had 200 horses given him at France for service to the king." He said, "He knew that to be fact."

Barber's Examination.

"Daniel Barber, being in the Mayflower Long Acre, being examined, said, "That he knew Alexander Valere, now commonly called John Clerk, ever since the year 1690; he departed from the French about the year of the battle of the Boyne, or was then taken prisoner, he knows not which. He had been French regimental clerk, when the regiment first was long; he came over with the 1000 men sent from France to assist Long John; he was not taken into the regiment, but was sent to Mr. Dage, an English captain in Fort's company in Brice's regiment, he came over about two years after. After he was released, he came over with the regiment's brother into England, and was first as a drummer in a tavern, and afterwards served several persons, and at himself appearance to our Captain, the master in Long Acre, and after he was sent, worked as a porter in the city. He married a mistress's daughter before his change, and there lived by making up; was looked upon as a paper, and, as course with the commissary and other ways seemed to talk for France and trust. The last time the commissary was the last time of his employment, when the

was sure Valere had a passport from Mr. Harley; and therefore, Barr acting by Valere's orders, it was impossible he should suffer by the government; and Valere was a great rogue, if he did not protect him. Barr returned about the 21st of April, and wrote to Mr. Harley, but, before he had an answer, he was seized at Dover by the magistrates; but after four days he was carried to London by Mr. Harley's warrant, and Barr owed to him, that he had been to France, and that he was sent by Valere. He continued in custody 21 days. After that time, Mr. Harley sent for him, and told him, 'That he had consulted with the officers to parole him, but that he must go immediately to Denmark, and see what good preparations were there; and tell him any feeling, and he should make use of him.—He performed this voyage in an open boat from London, and returned in 7 days, and brought word, 'there were but two men of war, and they both engaged, and that Denmark was gone after the Russian fleet northwards.' He called to mind also, that, in October 1808, he was sent by Mr. Harley for the *Paris Gazette*, and he brought it accordingly. Here says, 'He was arrested at Deal (as he thought, by Valere's orders, who hindered him to have a boat. He saw word of that to someone; Mr. Bay also wrote to captain Whitchell, desiring him to help him to a boat; but Mr. Whitchell would not do it. As Barr came back, and complained to the Secretary of it.—Here said, 'Here is at Calais, with Chateaufort, about six weeks before the *Hampden* Light and *Gratton* were taken.' The Commodity told him, 'There was a great fleet in the Downs, which were to be conveyed by some men of war, and that they were expediting at Deal; some men of war to intercept that service; and that he had returned the most pressing orders to speed away the service to Deal.' Chateaufort said, 'He hoped that year they should have their revenge, and that the ships should not get out of the Downs so easily, as they had done.'

'At this time Chateaufort told him, 'Valere had played him a trick.' And then showed him a letter of Valere's; part of which he read (but he would not let him see it all), wherein Valere told Chateaufort, 'That he should have a care of Barr, for that he was employed by the government in England.' He stayed but three days at Calais, and came directly to Mr. Harley, and told him what he had heard about the Danish squadron, but did not at first say he had any reason to know of what had been done to him at Valere's house, having several times before acquainted him, 'That he trusted Valere too much, and that Valere was not the man he took him to be.' But Mr. Harley never answered him any thing to that matter.—When he told Mr. Harley about the Danish squadron, he seemed not to believe it; but when those ships were taken, Barr went to Mr. Harley, and asked him, 'If he did not believe himself? For which Mr.

Harley replied, 'He remembered Barr told him of it.'

Moreover, April 22, 1808,
habeas examined by us,

Stated
that he
knew

Blind's Examination

'William Blind, of St. Katherine's Tower, a seaman, said, that in August 1808, being at Margate, he met with some persons, whose name he has been more informed of late, and after some time drinking together, Clark proposed to him to go to France with him. He said not that, for he had a sufficient authority to prevent him from any such night drive from his gang-boat.—Blind agreed with him to go over for 121 to Calais, which he did. He carried over two bags of gold, which was consigned to Chateaufort, the commissary at Calais, and a letter to him. When he landed at Calais, he was seized, and sent to the governor and about the commissary, whom he gave the letter.—He was afterwards in the city, and had a dinner paid for him and the boy he had with him; and I beg to say, there, a dinner was sent to him, and two tables of him, and used with much order, and the commissary paid all the charges. He returned, and took with him 8 or 10 ad. of brandy and a letter for Clark, and delivered the letter and brandy to Clark.—He said further, 'That when he came to Calais, his boat was much out of repair; and the commissary took care to have it put in very good repair, out of the King's stores, without any expense to him.—The next time, which was September following, he went over to Calais, which was also upon Clark's account. Three sail-garves, but Barr, and a small parcel of clothing, belonged to Barr. Clark, whose clothes belonged to Barr. When they landed, Barr let him and went directly into the town. Barr went to the former man; his charges were paid before. He was staying in the commissary's house, and was made much of. After a week or ten days there he brought back 200 and 12 ad. of brandy, and a letter from the commissary for Clark, which he delivered Clark at Margate.—Blind was born at London, having his boat and his boat at Margate, and Barr took the boat and went to Calais. He protested that he was not at Mrs. Bates in April last, but saw the letter sent on May. He showed that he was not in France at any other time, but the two 1808, at above-mentioned. He protested he was man of a very of report.'

Martins's Examination

'Daniel Martins, of Deal, born 1780, said, that he first became acquainted with Clark at one Butler's house in Deal, Jan. 1808. Clark then proposed to him to France, and had two tables of what pleased to drink the berry, and Clark with him a letter which should prevent him. He stated this, because Valere went to

thought them about 1140lb. of loaded
—and also a letter directed to Mr. Cha-
—the commissary of Calais, and an-
—Gaston a merchant there, who was
—them with brandy in exchange for the

Upon their arrival at Calais, they were
—by the guard and carried to the governor,
—the commissary there above the Dutch transport
—and to what place they were bound.
The governor returned from the letter, to carry
to the commissary; who sent them to Mar-
—nally's house, as they; and told them, 'They
—must depart from Calais till they had his
—order,' which he afterwards sent to them,
—saying, 'To John Clark, merchant of Bristol,
—together with a pass, to work them against
—prisoners.—Upon their return, and delivery of
the packet to Clark, he bid them get more
—goods as fast as they could, and go over
to when as they could, though he should
be sent the way, so that they could not have
—from him. Accordingly, in August,
—a packet over the second time with much
—of wine brandy. When they came to Calais
they were carried to the governor who asked
—several questions, and in particular, 'How
—they came without a letter?' The com-
—missary gave them a packet for Clark, but
—he cautioned them not carrying them in their
—at night from the packet over-board, about
—it to Clark's general direction; which
—was, 'Whenever they thought themselves in
—danger of being taken by any English vessels,
—they should throw their letters over-board.'
When they saw Clark, they told him, 'They
——threw the packet into the sea.' He said

—He was very they were forced to do it.—
—Upon his return discovered all these
—particulars to the mayor of Deal; and soon
—there and Verge were sent for by commis-
—sary, and arrived before the two witnesses of
—him, where, being examined, they confessed
—to know all the particulars that passed at
—Calais, and of their throwing the packet over-
—board according to Clark's order. Upon this
—they were committed to the custody of the
—wardens, where they remained four months,
—and at last were discharged out of custody
—without any further examination. Clark said
—to him, 'I am all company.' Then he forwarded
—him, and talked very boastfully of his pro-
—cess and power from Mr. Secretary Harley's

Verge's Examination.

Joseph Verge, of Deal, being examined,
—where he became first acquainted with John
—himself was English-born at Deal.' He
—told them, 'That they might go to France as
—as they could get goods, and he would
—on them a letter which would protect them.
—He sent to Lutterbury to buy goods, and
—John N. Miles, and Bayly, went to Calais
—July 1703. As soon as they landed they
——directed to the governor, who asked them
——of war and merchant ships were in
—the Downs; and particularly enquired about
—the Dutch transport ships if they had in

what place they were bound, and if they were
—inspired from France upon any part of France.

—The governor sent them, with the letter
—from Clark (which they had shewn to him)
—to the commissary, in whom it was delivered.
—who stopped them two or three days, and
—then sent them back with a packet, directed
—to John Clark, merchant of Bristol.' They
—sold their goods to one Lewis, in whom
—they brought a letter from Clark, but had
—no letter from him for Clark. They loaded
—the goods near Breda, about midnight,
—and carried the packet to Clark, at Margate.
Clark asked them, 'If they would go again?'
—they said, 'they would not till their goods were
—sold.' Upon that, Clark disposed of the goods
—for them, and gave them the money in two
—days. Then they went to Calais again, without
—any letter; but with such goods as they could
—get upon their own account. They were
—carried to the governor, and examined as to
—what they were in the Downs; and the com-
—missary asked them, 'If they brought a letter
—from Clark?' They said, 'The Dutch transport
—were called, and that they had no letter.' They
—said, 'Clark told them, they might go, though
—they had no letter.' They brought back
—brand, and a packet for Clark to the com-
—missary; and the customs house being coming
—up with them, they threw their packet over-
—board.—Verge was carried before the mayor
—of Deal, where he denied he had been in France,
—but Matthew confessed it. The examination
—and affidavits were both sent for, by commis-
—sary, and examined by the two witnesses of
—them, and told them the whole matter. The
—examination was remanded to the next morning,
—where he lay a month, and then, without
—further examination, was discharged.—When
—he was in prison at Deal, Clark came to him
—and told him not fear, he would take care he
—should come to no harm.—The very same
—night he came home to Deal, Clark came to him,
—and proposed to him to go over to France again;
—but he refused to go, being sick at that time.
—In July, or August, 1703, Clark sent for him
—again, and proposed to him to go to France;
—and showed him, at several times, three sub-
—scribed R. Harley. The same night John
—Clark himself, R. Whiston, and Verge the
—examination, went off from Deal beach, and
—landed at Breda the next morning. They
—were armed when they landed; but Clark went
—to the governor, and about two hours after re-
—turned, and bid the men relax themselves, for
—he would go back that night. They brought
—back brandy, and landed a bark at Breda beach,
—and he went away immediately for London.—In
—September they went over again from Breda
—to Breda, with about 1800lb. of wool, and a
—very large packet of letters, directed to the
—commissary; upon their arrival, they were
—arrested, and carried to the governor, and ex-
—amined about the ships in the Downs. The
—commissary took them to his own house, and
—showed them at his own table, where the cap-
—tain of the Breda ship dined with them,

and boasted of his having robbed some English gentlemen in Kent—they brought back letters for Clark, and landed at Dinclchurch, and gave the packet to Clark—Some time after, Clark sent Sir Verge and Watton to Dover, and there they met in La Mure and about 30 lb. of wool, and had letters from Clark, and intended to go for Boulogne—but were taken by an Ostrander, who took from them all their clothes, and all they had. In Verge's hat was Clark's pocket, which the Ostrander kept from him. They could not get back to England, because of the wind. They went to Boulogne in a manner asked, but the commissary being gone to Paris, they could not get credit from his clerk; but La Mure provided with one Mr. Sarré, a merchant, to give him credit for it. The commissary's clerk delivered two letters to them for Clark. They put into Dover port, where their boat was taken; and they being taken by messengers, delivered to them the two letters delivered to Clark, which they had from the commissary's servant—He said, "he believed Clark to be detained to the government, and gave this reason for it; that, being about to go over to Boulogne, he said to Clark, 'If we should bring back the good news that Toulon was taken, he hoped he would give them a crown or two.' Clark made answer, 'That if he would bring news that the siege was raised, he would be better pleased and would give them 10 guineas.'"

Waller's Examination.

"John Waller, of Deal, merchant, being examined, said, 'That John Carter, of Deal, brought him first acquainted with John Clark, about June, or July, 1706.' Clark showed him a paper, with a seal, and the name of Mr. Secretary Harley, and said, 'he was employed by him,' which Waller knew of the rather because Clark had been before detained by the government, and wanted of liberty—Clark proposed to him to go to France; and Philip Watton and he were in a small Deal boat to Lutter, with a parcel of wool, and went to the commissary M. Choussinval, and one Goussé, a merchant. As they landed, they were asked for a guard, and carried immediately to the governor, from whence in a house, wherein the commissary of Coler came to them, to whom they gave the letters which they brought from Clark. They stayed there 4 or 5 days, and then came back, and brought with them brandy, and a letter from the commissary to Clark, which, upon their return they delivered to him—in a few days after, they were sent over again to Coler, with a letter to the commissary, and also some wool; and they were treated as before. And when they returned, were charged with letters to Clark which they delivered to him. After this, Clark and they designed for some time—in May, in June 1707, Clark proposed to Weaver and Watton to go over again into France; and Clark and they went over to Boulogne. Upon their landing, they went all three into prison—

Clark had his liberty in two days, the others were detained prisoners 8 or 9 days, and then they all returned for England—in six weeks after, Weaver, Watton, Clark, and La Mure went over again to Boulogne. They were confined all, except Clark; afterwards they were all carried to the governor, who treated them civilly; Clark was taken by the governor's standard more, and stayed with him privately about two hours. When they returned to England, Clark put on board brandy in Champagne wine; and a man whom they did not know was sent back with them—in Sept. 1707, Weaver, Watton, and Verge, made out their voyage to Boulogne, and carried out, consigned to the commissary.—They were no more prisoners at this time, but were carried to the commissary's house, and dealt with him, and that afternoon they returned, with a packet of letters from the commissary to Clark, and landed at Hythe."

Waller's Examination.

"Philip Walling, of Deal, merchant, being examined, said, 'That, in June 1706, he became first acquainted with John Clark; the said Walling being then lately returned from France, where he had been a prisoner. Clark proposed to him to go to Toulon again; and said, 'he had authority to bear him out, to be allowed to send people to France, as in the account of the government.'—After taking some time for consultation, the commissary and one John Weaver agreed to go over;—whereupon Clark and John Carter came there at an 10 o'clock, Clark was to give them 30 guineas. Weaver thence to know, 'Was it they were in every?' Clark said, 'Some small money would, and such letters as he should want to the commissary of Coler, and to bring back what the commissary should deliver to them.'—The commissary said, 'That Clark and Carter, at two o'clock, were to board a small Deal boat, and Clark gave him a letter to Choussinval, and they went to La Hythe, and they arrived at Lutter about 10 o'clock. They were sent to the prison, and carried before the governor, who required, what news in England, and about the ships in the Downs, and asked several questions about strength in England and in the Kingdom. They told the governor, 'They had a letter for the commissary;—the governor sent them to him, and he delivered the letter, and about three or four days after, the commissary came to them himself, and brought them a packet of letters; he delivered to Clark, which Weaver delivered to Clark upon their return, and he went immediately to London—in July (but still in confinement, 'they were to go again,' and carried them to Hythe, where they took 100 packs of wool, and had a letter to the commissary. They were carried at landing, and carried to the governor, and after, by a guard, to the commissary's, to whom they delivered the letter. But the Dutch ship galley's having departed, they were kept under a guard for 11

days, and not suffered to return till they were gone: then they returned to Margate, and gave the packet to Clark.—The same man told them, that Clark told them, "he could have sold them for less money;" and they returned to the inn, Clark and they parted for that time.—The commissary told further, "I live about June 1707, he and Weaver went to Clark, he was money he owed them, and they agreed with Clark to go for France again, and Clark went with them himself." They went off from Hythe, and sailed to Breda, where they were all taken and carried.—But Clark again writing to the governor, was immediately set at liberty, and afterwards told them, "That he had waited on the governor, and had seen the lieutenant," and then they returned all on board, and returned to Margate, and brought with them 1 or 2 casks of brandy. Philip Watling said, "That, in July following, he and Weaver went over again from Hythe, and carried Clark and one Le More." When they arrived at Breda, they were seized: but Clark, being to the commissary, he was released, and several of them were carried to the governor, who took Clark from them, and was with Clark 3 or 4 hours. The next day they came away and brought one James, a Frenchman, with them, and landed them at Hythe. They agreed to take in this man; but Clark said, "he would have them out in 10 days." Clark went with the commissary, and was taken to Deal to Breda; there they came with them, making out provisions. When they landed, Clark was at liberty, and was with them for 3 or 4 hours, and then came in there, and told them, "They must get ready to go away that night." He was very full of liquor and said, "he had now carried an old one," by which the commissary and Weaver noticed he had heard some good news. This landed at Hythe the same night.—The commissary said, "That in September, he Weaver, and Tinge, went again, by Clark's order, delivered letters to the commissary of Breda, and had lost of word." When they sailed they were carried to the governor and he kept several gentlemen, as usual, they were sent to the commissary's, and shared with him as he was able. In 3 or 4 days after, they were dispatched with letters to Clark, which he delivered to him.—Clark's general instructions then was, "That if they met with English or Dutch ships, they were to show their letters accordingly; but if they met French ships, they might show their letters."—The commissary further said, "That, in the latter end of September, he, and Veige, and Le More went over again; but near the French coast, they were taken by an Overseer, who stripped them, and plundered them of every thing. However, they went on to Breda, but the commissary being gone to Paris, he said, would get them no more; but Le More got some more in the town. They were kept at Breda about 10 days; and then the commissary Clark brought them two packets for

Clark, with which they set out, and landed at Dover: but, in their going from thence to Deal, they were seized by the merchants, and their letters taken. While they were at Breda, they were showed an Englishman, who came from James's March.—The commissary further says, that the second time he went to Calais, there he was taken by the English's ship, and carried before the governor, who released them as soon as they told him they were employed by Clark. The commissary further says, that the first time they carried Le More over, they did not bring him back with them, because (as Clark said) he might not see the said James."

R. Hutton's Examination.

"Ralph Hutton, of the part of Hythe, says, he was first brought acquainted with one Adam Clark by the means of John Carter, of Deal; who told him, Clark was employed by the government to get news, which he was to learn from the commissary of Calais.—The first voyage he made upon Clark's account was about September 1703, when Clark pressed him to go over immediately, though he had at that time no goods; but Ralph Hutton refused to go without goods; whereupon, about eight days of word was given Clark, which he and his brother Tho. Hutton carried to Calais, together with a letter for the commissary of Calais, Monsieur Chenevix; he believed the letter did not relate to trade, because the word was said to another person. He landed at Calais, and was seized by the soldiers, and after carried to the commissary, to whom he delivered the letter. The commissary carried Hutton to the governor, and he did not open his letter till he came to the governor. Hutton was received very kindly by the governor, who made him drink, which was a thing very unusual. The governor opened the letter, and showed it to several gentlemen then present, who seemed pleased with it. The governor ordered the commissary to carry him to Hutton's the Golden Lyon, the best inn in Calais; where the commissary treated his brother and him very well all the while they stayed, at his own cost. The next morning the commissary brought a French gentleman to them, and said, "the governor had ordered, that he should be carried over to England in their boat." They did accordingly take on board the gentleman; but no letter or goods were sent by them. The gentleman spoke good English, he did not wear what his name was. During the morning we diet, Hutton said to him, "If he had any papers about him that would do himself or them hurt, it was best to show them over board, because they might be forced on shore in the day-time." The gentleman said "he had none, but what he had was in his boat." They carried the gentleman to Clark, who was then at Mrs. Radier's; and Edward, himself the next day. The gentleman came back to Deal in three weeks, and

would have had Hutton carry him over to England; but he refused. The gentleman took a passage in his house from Paris to Boulogne, and went aboard the Boulogne ship; but the ship was seized by the soldiers, and so he came to Hutton's house. About the middle of October, Clark sent to Colton Ralph Hutton, John Hutton, and William Hutton, with one pack of wool, and a letter directed to the commissary Christopher. When they came to Colton, they were seized, and taken before a judge, and were accused for having carried over to England a spy. Meanwhile, by order of the commissary, they were kept in custody in the fort, and by order from France they were discharged, but taken to every other place where necessary. At that time, they brought over from the commissary letters for Clark, which they delivered to him. About the middle of December, he, and William Hutton, and one Francis Hutton, were sent over to Colton by Clark, with a pack of wool and a letter to the commissary. They were received there as usual, and carried to the governor; and the commissary did not open his letter till they came to the governor. Upon their return, they brought a packet of letters for Clark, which was carried to him by Hutton. Hutton had no further dealings with Clark, till about June last, when Clark hired a boat of Hutton; and Clark, Weaver, and Warham, went over in that boat to Boulogne with wool, and returned about ten days after. Upon his return, Clark told Hutton, 'He had been out the longer, because he was kept under a guard till he could get a letter delivered to the governor, and then he was set at liberty; and then wanted on the governor.'—When Clark came from Boulogne, he brought papers along with him, and was away immediately for London.—In July, Clark came to Hyde and by private means till the last week. As soon as the boat came, Clark, Warham, and Weaver, and John Le Moy, were on board for Boulogne; they remained in about a week's time, and brought with them a man, called James, who, they said, was the duke of Boulogne's groom;—he went away with Clark to London.—Before Clark went, he gave a letter to Hutton, with orders to purchase a common place on the coast for the Boulogne ship, which he was to know by the sign of a sailing Dutch colours on her main-top; and he was to give the letter to the captain of the ship. But the ship did not come; so when Clark came from London, in August, he had his letter.—He sent his boat over (he believed) to Boulogne, to enquire after the ship, there being one horse kept constantly to be put on board her.—The commissary further said, 'That, when the groom was brought over in July, Le Moy was left behind.' Clark told the commissary, 'he had been detained there, but he should bring the groom when he came to England.'

The Master's Examination

"Thomas Hutton, being examined, declared that he had been acquainted with John Clark about a year and a half, Clark said, 'He was employed by the government, and might send to France when he pleased.' In June 1798, he desired to go to France on the coast, he said, Clark made his business very public. In August 1798, he was employed by Clark and sent over to Colton with wool and sugar, and carried 2000 lb. weight of wool, together with a letter to Mr. Christopher. Upon landing, they were carried to the governor, and well received. He asked them, 'What news in England, and what ships at war and suspected were in the Bay?' The commissary showed his letter to the governor, and then carried them to Marcellin's house. They had a visit, and gave all letters from Paris (as he was told), on their way there was about 2 or 3 days. They brought back money, and a packet of letters for Clark.—Hutton delivered further, 'That in September, a Clark's request, he and his brother made several voyages to Colton, and carried letters to the commissary, and they were carried to the governor as before; and when they came over the commissary gave them a letter for Clark; and Marcellin told them, 'That the commissary said, they must take a good leave, and carry him to England,' which they did accordingly.—The commissary further says, 'That, in October 1798, he went over with Brown and his brother Ralph Hutton to Colton at Colton, were seized, and carried before Judge, upon account of a man brought from France to England, in a former voyage, by his brother and himself.—Marcellin told them, on from the commissary, that they must show to the Judge, that they carried no spy body, though the man was put on board by the commissary's order.—After an imprisonment of several days, they were discharged, and sent away for England with a letter to Clark.—The commissary says, 'He helped them to write a letter to put wool on board their boat for Clark, and he by about 10 or 12 days for the Boulogne ship, in order to put the horse on board to be sent abroad.'

Clark's Examination.

"William Brown, of Deal, master, being examined, declared, 'That, in March 1798, when John Clark lay at Mr. Fisher's house, he begged him to go over to France with him. Clark showed him the commissary's packet, and he had a letter to send any body to France.' The commissary went over first with the two Huttons. When they had done, they were seized, and carried before the governor, and after that, they were examined before the admiral, or the judge, at Colton, for having received a man for England. They were sent on board 14 or 15 days, till within ten days of the 1st of June. They were then sent on board, without any delay.

to Clark, which they sent to him. The next morning Mr. Clark ordered him, Thomas Baker, and Francis Barker, of Dover, to bring their boat to him to Margate; which they did; and there they took in some wood, and a sack with some things in it. They were seized at the wharf by the custom-house officers, and shut up in prison; but they did not meddle with the sack, which they brought back to Clark at Deal. And about a week after, the exchequer, Baker, and Ralph Hutton, were ordered to take in some wood, the same sort, and a sack, and to carry them to Calais, which they did, and delivered the sack and letter to the customs. At the same time they took in some wood, they also took in a young man, whom they carried to France. In a short time they were dismissed from Calais, with barely, as a packet of letters from the exchequer to Clark. The exchequer says, 'They were made a sort of deal in the governor's house, and the exchequer came to them there.'

John's Barker's Examination.

'John Barker, of Deal, merchant, being examined, declared, 'That John Clark did not frequent her house; he lodged there about a month. The first time he came to her was, to enquire how he might vend his linen to the best advantage; he proposed to her, to make a venture with him; and told her, 'That, he, for he had not a wool, she could have it in a bundle, without any risk; for the government, in which he was employed, had agreed upon the price of it.' She ventured with him; but never had any return from him.—Then was a Frenchman brought to Clark at her house, late in the night, who had several papers with him, and he gave them to Clark.—And Clark presented it was his own's behind; and that he lived at Calais. Clark sent the exchequer to get a horse for the Frenchman immediately, and, about a week, the Frenchman began his journey for London, with several packs. Next morning Clark went to the exchequer. John Barker further said, 'That about a week afterwards Clark returned to her house; and about a week after that, she was returned to her house, and brought home with him, which Clark opened, and he had viewed and perused what was in it, finding three or four papers and a parchment, and showed it to him, and other things, he showed him, and asking it in several places, he told him, that gave it her to keep it in her own place. Some time after, she went with one Haven and another to Deal, and with the boat, for France. That was taken, and the wind was so strong, that it blew a officer; but, the Frenchman being there, it was not the same. The boat was, no notice was taken of it, and Haven brought it back again to her house, and gave it to the exchequer, who in John Barker's up, that nobody knew what she did, and there to open the

boat, and dry what was in it; which she did; and afterwards Clark sent Baker to Calais, and gave him the boat; and, upon her return, he told the exchequer, 'He had delivered it at Calais.' When the Frenchman was at her house, he brought thither three other Frenchmen; and they were some time together privately with Clark in his chamber, and afterwards they rode out altogether, and the next day Clark came back. But she never saw the Frenchman after. Clark was often in debt, and was then very foolish, and used to leave, 'He had the head of the nation on his side; and that nobody was capable of the business he was engaged in but himself; and nobody about meddle with him.'—John Barker further says, 'That, about three quarters of a year ago, towards the latter end of April (the same night he agreed with Weaver and Wallis to go to Calais), he came to her house in the night, and desired a private lodging; and then sent her out, to learn what men of war were in the Downs. And she went to the port-captain, who told her, 'There were only three men of war there,' and named them to her. She brought this account to Clark presently. She has forgot the other name; but she says to learn the Royal Oak was one of the ships, because a messenger belonging to that ship was at that time in her house, who borrowed a bundle of wool, and accounted of her for his wife, who was then on board the Royal Oak, and upon her coming the ship to Clark, he sent them down immediately in her boat; and soon after went out, and stayed as late, that he could get no lodging, but lay in her boat, and she sat up all night. The exchequer said, 'She believed that one Black went over to France about that time. For, Black and one Mrs. Atwood being together at the exchequer's house, he said, 'He hoped he should soon bring them better liquor;' and then ordered the exchequer to buy for him two half-pence and three mutton. She says, 'That Black told her, he had been four times in France since she was.' The exchequer said further, 'That Black went into the Downs, and went aboard several ships in the Downs. He told the exchequer, 'It was only to get some of the ships to take off his booty when he came back.' But she looked upon that as a promise only, and that her true business was, to observe what ships were there, and of what value they were. The exchequer further says, 'That Clark told her, 'That the father of one of the three Frenchmen, which he brought to her house, was as great a man as any in France.'

Barth's Examination.

'John Barth, about 12 years old, apprentice to John Weaver, being examined, said, 'That he went over twice, with his master and one Wallis, to Calais, upon Clark's account. When they brought them to the governor of Calais, he asked them, 'What ships were in the Downs; and whether they were bound.' In the second voyage, they met with a small

French prisoners; who informed of them, 'What men of war and merchant ships were in the Downs?' And Walker and Weaver (as the witnesses believed) told them, as well as they could, all they knew of the state of war and merchant ships, where they were engaged, and where they were to sail; and, having given this account to the prisoners, he advised them to go on for Calais."

Carter's Examination.

"John Carter, of Deal, butcher, being examined, declared, 'That he became acquainted with one John Barn about the 11th of March 1706, who did not go over from England to Calais, and arrived in French boats. About that time he was desired to provide a boat to carry over Barn, but afterwards, the French ship coming, Barn went over to that. Barn stayed about a month, and then returned as a French boat (as Carter believed); and, as Walker told the witnesses, brought bread and letters over with him. He was carried to Dover by Mr. Whitwell, and examined before the magistrates: but soon after was sent far to London by Mr. Secretary Harley's order (as the witnesses were informed,); and in about 4 or 5 days Barn returned to Deal, and, putting out of his pocket a bundle of papers, showed them to the witnesses, and told him, 'See what I have got by being sent to Dover, which was by your means.' Clark spoke very ill of Barn to the witnesses; and persuaded him not to have more to do with him, but only with Clark himself. The said Carter declared, 'That he acquainted Mr. Whitwell with Clark's proceedings: who had him take notice of all that Clark did, and for that purpose to go on with him. After that, he assisted Clark in getting wood for him, and procuring men for him to go over to France; and also received Clark's letters for him.'—The said Carter declared, 'He saw a packet of letters, that came from London, directed to Clark, and saw Clark open the packet, which Clark said, came from secretary Harley; and he showed him the name of R. Harley at the bottom of the letter. In the packet were several letters sealed up.'—The witness said, 'He proposed Jo. Weaver and Wm. Walling, who went twice to Calais for Clark, and carried letters from him, and brought back packets of letters from the commissary of Calais for Clark. He said also, 'That Clark employed one Godby and one Tired, both of Malton, to go out him to Calais; but they would not go a second time, because, as they told the said Carter, they were examined very strictly by the commissary of Calais, what ships were in the Downs; and what other news was in England. And the commissary took notice of all they said, and detained them at Calais, whilst they went to Paris, and had a return. And for those reasons, they were afraid to go any more.'—The witness Carter further said, 'That, in the next voyage which was made by the ship *Waller*, in the beginning of August 1706, they brought with them a Frenchman

from Calais, who, immediately upon his landing, went with Clark for London. When Clark returned to Deal, he brought with him three Frenchmen, who by some means were got over to France. The said Carter further said, 'That he also advised Clark to be so private that he had used to be, in managing his correspondence with France, as, if he continued to act in so public a manner, the next would knock him on the head.' Carter He told Clark, 'He wondered how such persons as Clark and employed him, could be so put upon by him.' Clark replied, 'He knew what he had to do; for, and Clark, it seems dealing with them that with you,' meaning he said Carter. Clark said, 'He knew he was making very well, and shamed any thing with never him.' The said Carter further said, 'That, he and Clark being sitting together, the first day were 15 ships at sea. Then upon Clark said, 'Here is news for my master Harley. I will send him word, here is an squadron of French ships.' Carter said, 'What! before you know whether there's French?' To which Clark replied, 'It is done for that; it will serve my turn as well.' He would often speak contemptuously of the good men above. Carter further says, 'That Clark's manner was, to give orders to the men who went over, 'That, if they were taken by the French, they would show their letters, and they would help them to get to France, but if met with Englishmen, they were then obliged to show their letters aboardboard.' The said Carter also said, 'That at last he broke off correspondence with Clark. He had known him drunk and sober, and always disposed to be in the French interest. He would not command over boats without goods. Clark pretended he was a protestant, but Carter said, 'He never believed it.' He would never go to church, and always talked against the papists. He was a loud, drunken fellow, and talked very encouragingly and foolishly.—This examination being ended, 'Why he got Clark, trusting of the danger he was, in keeping this correspondence so open?' He said, 'That the said had several times conversed with them, and called them French dogs and rogues; and reproached them, for keeping on this and giving intelligence to the enemy.' And further says, 'That though Clark said at Deal, yet he seemed very great with him when they met."

Jordan's Examination.

"Captain John Jordan, a sailing officer for a justice's commission at Folkestone, in Kent, said, 'That, for some time last past, he heard of one Clark on their coast, who had correspondence with France, but had no personal knowledge of him till the 21st December last, at which time he went to Deal, as it came from France, at Deal. On the 21st Decr. following, the said came to Deal from Dover, and showed evidence why he acted thus and best!"

express Jordan replied, 'For carrying wool to France.' Then Clark told him, 'He was employed by the government, to learn where the Duke's wool could not go over unless he carried some wool, and that he had done several times.' Whereupon the said captain Jordan laid his hand on Clark's shoulder, and said, 'I have the store a great deal to spare now.' Then the said Clark answered somewhat, saying, 'If you do, I shall and will carry all I have wool.' (There being nobody but these two in the room.)—Then the said Clark took out a pocket a paper writing, signed Harley, which was an order of all sorts wool; which the said captain Jordan read, and it was a pass for him and his servant, &c. And the said Jordan being told that this said Clark had been shipwrecked at Dover and Deal for the like practice, and upon discharge, he has his go.—And he further told the said Jordan, 'That he should have an order from the Secretary of State to have his boat returned.' Who answered him,

'That, when he saw such an order, he knew his duty.' But, no such order being ever produced to him, he remembered his said boat to be always sent.—And the said Jordan further said, 'That Clark soon after procured another boat, which went to and from France a while; which, he says, landed at Dover about the 23d of July last, and part of the goods which she brought from France, August 1, 1703, Clark's boat came from France, a boat at Shearn Clark, near Hythe, Aug. 16, &c. came from Boulogne, and landed at Shearn Clark August 19th, Clark's boat went from Boulogne, from Northfleet. September 18th, Clark's boat went over again, and returned to Dover on the 26th of October, where it was sold. October 4, the said captain Jordan, by order of Mr. Baker, seized three fine horses at Hythe, belonging to the duke's boat at Boulogne, and the case of Mr. Clark, and one James Gordon the duke's groom: Which groom then gave away, and he has not heard of him since. On the 16th of Oct., the said Clark sent a letter to the said Jordan, telling him, 'He was now at the boat, and had his horses out of the duke's stable, that the horses were fat, and they were now, and of he pleased to return to the duke's stable, it would oblige him; otherwise he must take his measures in London.' Sign'd John Clark, and ready to proceed.—On the 17th Sept. 1703, Clark was taken into King's Arms, at Folscombe, where the said Jordan continued visited him. And the said Clark did then tell the said Jordan,

'That he came by water to Boulogne, being then but a small parcel of wool with the duke's commodity Colliam's wool to him.—Who told, and asked him, 'What he was there for?' and looked very close upon him; and then carried him and one Le More (his boatman) up to the governor, who

was very rough with them, telling them, 'They came there for something else than to bring such a small parcel of wool, which would not bear their charges, they teasing them to tell the truth.' Then Clark desired to speak with the duke privately. Then Clark told the duke, 'He came to learn news,' which expressed much surprise to him. But Clark told him (as he the said Clark related the said Jordan), 'That if he could move his excellency on the other side journeying England, he would serve him faithfully.—That the said Le More was threatened with death, as being a French clerk, and had lost formerly a commission as an English gentleman against looking, so he fell on his knees, and begged for his life, and Clark told Jordan, 'That, upon his interest and pleading for him, he was pardoned.—And Le More himself has told the said Jordan, 'That the duke at Boulogne asked them, 'Whether the English was not under some apprehensions of fear, when their policies appeared off the English coast?' Clark replied, 'He believed they were.' The duke answered, 'They need not; for that coast is under my protection.' Clark asked his excellency, 'Whether or not he might have the liberty to mention it when he came home?' He answered him, 'That he might.' Then Clark asked the duke, 'When he came over to Boulogne again, what if his excellency should be at Paris?' He replied, 'That he would give directions that he should be well used.' And that the said Le More was not permitted to come over to Clark's boat, but was put on board one of their shallops, and sent on shore by them in England.' And Le More further told the said Jordan, 'That he never believed, that the said Clark showed the Secretary of State's pass to the duke at Boulogne.'

Whitwell's Examination.

'Lieutenant Whitwell, collector of the customs at Deal, being examined, said, That about Christmas 1703, he had notice of some persons talking to carry on the French trade in order to discover them, he thought at last of one Carter, who had been an offender who, in hopes of pardon, might be willing to help to discover them. John Carter said, 'If he might have time, he would undertake to do it.' About Martin Carter discovered Clark, but he being out of his distrust, he gave notice to the officers of Deal-works, who took him.—And afterwards he was sent for by messengers, to London; and on a little time was discharged, as Mr. Whitwell has been informed. Some time after, Carter informed him of one Burt, who was lying contrived, in order to go over to France, and he had liked to have surprised him, but a French ship came in the mean while and carried him off, about a quarter of an hour before the persons employed by him came. Mr. Whitwell said, That in April Carter informed him, 'That Burt was returned,' and he served him at Dover, and had him straitened before the judge at Exeter, who took

'It appears frequently, in the course of this Examination, that the duke D'Anjou was at Boulogne at this time.

allidents of the matter. Mr. Winchell sent an account of this to the commissioners of the matter (with copies of the said children, now in the hands of Mr. Barker, by his letter dated the 10th of April, 1793, now produced, and to which Mr. Winchell refers. This gave occasion to Mr. Secretary Harley to send a letter to Mr. Winchell, dated the 10th May, 1793. The original letter being forwarded by Mr. Winchell, he writes to me. To this letter he wrote an answer, of the 11th May, 1793; he produced a copy of that letter, which he transmitted from a fool draught, and therefore could not be positive as to every word in the same, but he is sure it was to the effect and sense of the letter. After he had sent that letter away, the same day, Barn applied to Mr. Winchell, to help him to a boat, to go to France. Mr. Winchell said, 'He would not do it, without an order from the Secretary.' And thereupon he sent away another letter to Mr. Secretary Harley the same day, in the copy of which he likewise refers. Mr. Secretary Harley returned an answer to this last letter, by a letter dated the 1st of June, 1793, to which he refers: But Mr. Winchell did nothing upon the letter: not thinking this letter to contain orders which were full and clear enough. Some time after, Carter brought to Mr. Winchell three letters, which he had received from Clark, with directions to put them into the hands of the men who were going for France. One of the letters was directed to Carter (he was like named, a man born at Calais; the second to the commissary at Calais; and the third to the governor or commissary of Boulogne; he is not certain to which of these. Upon which, he wrote to Mr. Secretary Harley, to give him an account of these three letters; and told him, 'That, the wind being now out of the way, he had now an opportunity, if he pleased, of seeing them, and judging if Clark don't honestly or not.' To this letter he never received any answer. Mr. Winchell had no copy of that letter with him; his clerk who kept his books, being here in town when Mr. Winchell came to the Lords Committee upon the same day. Mr. Winchell being asked 'Why he did not open those letters or stop them?' He said, 'He would not do so, having been recommended for what he had done before.' Clark and Barn were generally known on the coast by the direction of Mr. Harley's spouse, especially Clark, who bragged of his being employed on all occasions, and in all companies; but Barn was more cautious, and seldom appeared by day. Mr. Winchell said, 'That it was his opinion, and the general opinion of people upon the coast, that they carried more intelligence to France than they brought from thence.' He said, 'The trade of France was much suppressed till this management was given by employing so great a number of men. Clark did not confine himself to particular people; but employed any body he could get, by which practice the whole coast is corrupted; so that now a black greater number of citizens

will be willing, to prevent the intercourse with France, than have been employed.'

Barker's Reasons for examining Ferguson's children, &c.

—Reasons for apprehending Jas. W. Daniel Morrison, and examining Ferguson's child, together with those of Daniel Morrison, and my Opinion thereon, and my

'The name of my writing to my Lordships, 11th August, 1793, was grounded, Upon Clark's confessing, on many occasions, to going to France, as appears by first paragraph of said letter. 2. Clark's history beginning at his power, and showing his reasons to him, Calais and Dunk, and frequently to many others. 3. His presentment in imprisoning himself at Walsby Castle to Jas. W. Daniel, and others there in company, &c. &c. He would protest they don't go to France for us—About a day after, I saying to another lawyer, 'How pernicious it might prove to a boat's crew going to Calais, to have the Dutch commissary with us?' Clark answered, 'A major's and my presence.' That that was his reason. That reason was only to show, that Clark's words and intentions, as such as told treasonous correspondences, and such men as were over so much as that was accounts.' Considering said expressions, as touching Mr. Morrison's absence, &c. 'That—Clark had the first voyage, in July, 1793, to Calais with Sigly and Yogo, with a letter to the commissary of Calais, who asked him, 'Concerning the Dutch transients in the Dutch the number of men of war, rates, who went out days? when they were to sail? Likewise, what frigates crossing off Dunk, Dungen, North Foreland and Margate, &c.' And he brought back an answer of some letters returned. Bad reasons did cause us to commit Clark, who showed me two letters for his bringing our coast of Deal and Dover committed, under the hand of Mr. Secretary Harley, the one dated in May, the other in June, 1793, for fourteen days; and I observed at the time of his reading over the first boat, that if once was exposed some words. What was the further publicity was, in showing to Clark, lodged and frequented beds houses, there, and kept scoldish and supping company, and frequently was dressed with a sword; at which times he was full of talk of his power, whereby he was known by the name of Clark the spy, by some women children, from Margate all along the coast to Romney Marsh. And as it was proved, he was a person poor and needy, and a journeyman wig-maker; and could be nothing, in my opinion, as open, lucky fellow, of a shallow capacity, it was not consistent with my reason to believe, that such a person should come to the secrets or knowledge of secrets of France, as to gather together any point of importance by correspondence.

wherever, well be, straight do me a service? To which Head replied to the secretary, Harry (to be told Carter) ' The really believed he might' And afterwards wrote some reflecting and praying words of the last hundredth, which was

The Board of Directors of the TV and

[illegible]

Barber's Representation, among Black's
Companions with Drury, not from
the Journal.

Administrative office, 2d Jan. 1897 D

at Gendarmes; the evacuation of the French

I send you the enclosed copy of a Boston
John Barker, giving an account of one
corresponding with France, is the last
the night honorable the end of Boston
her majority's principal witness of the
on 30. 3. 1840.

Secretary, 1000 E. 1st St., J. 1000

²⁰ For the English Channel, France, Germany, Denmark, Lord High Admiral of Great Britain, &c. The inside Express of John Bull's, at Kingston upon the River Thames, this day sailed.

"*Moniteur*. He is, on the 1st day of August 1848, your prisoner, and thus prisoner with France, in the said city, in conformity with the laws passed the 24th August 1848, at the moment at which, on June 1, 1848, he was in St. Louis, a statement at Philadelphia, and a claim on your partener, and (amongst others) of course, told with confidence, 'That by our master (himself) had brought him there, and placed him in his confinement in that town, that he should try upon the measure of a government his illegal practices, of corrupt and swaying the press, and other sort of arts and means, and of his own way in the French court.' And the said James Buchanan also declares to your partener, 'That he has certain knowledge, but not as yet told a constant correspondence with several newspapers in Cuba, and from time to time brought them the newspapers, and other printed matter, to the detriment of our nation.' And the said James, as his master (the late Wm. Leno, an American) alleges, has been accepted from Cuba by another, to wit, pocket-book, who is now gone a voyage to West India, for fear of harm that he might sustain. Your partener therefore thought it his duty, humbly to suggest that the loss of the master, for the service of the nation, and the latter to prevent further dangerous events, which will undoubtedly bring on the such persons from an imprisoned."

* **John Deere**

The Queen's message to the Address
To the above Address the queen gave
Answer.

"After the passing of the A. L. Gregg, was rejected about a month longer, still refusing to make any further effort, he was executed at Tyburn on the April, 1838. He had a Paper with the head wherein he constantly cited Mr. Hodge, though some suspected that he intended to be the lover of that Paper, and awarded a posthumous, which appeared in Lloyd's Weekly, till he came to it a place of credit to a free expression, which he was made extensive, of a report, and when it was that he complained, that there was a man; when, on the other hand, some Lords of the Committee, appeared to examine

My Lords, I am sorry that any who have been employed by those in opposition should appear to oppose to their trust, and injurious to the public — The example sets by before me, I do not doubt, be a salutary warning to all members of importance in future, not to comply with such, and thus to be the means of doing us all justice.

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the pretended prince of Wales being come to Denmark for that purpose." The Letters and Letters relating thereto, being read, it was unanimously resolved to present an Address to Her Majesty, in which they desired the House of Lords to give their concurrence, and both Houses met the next day on the same subject, viz.

"We your Majesty's most loyal and dutiful subjects, the Lords Spiritual and Temporal, and Commons of Great Britain in parliament assembled, do beg leave to return our most hearty thanks to your Majesty, for being

the Scots were so highly disappointed on account of the Union, as to be ripe for a revolt, and ready to put him on his own strength there. The necessary preparations for the expedition were carried on at Dunkirk with all imaginable dispatch, and with such secrecy, that the design was rather guessed at than known, all the Pretender himself not out from St. Germain, when it was no longer necessary, that he intended to make a descent upon Scotland. The day before his departure, the French king went to let Gustavus to take his leave of him, and made him returning presented him with a sword encased with diamonds of a considerable value, and desired him always to remember that it was French sword. The chamberlain George (for this was the name the Pretender assumed in this adventure) returned the compliment with assuring him, that, if it was his good fortune to get possession of the throne of his ancestors, he would not content himself with returning him thanks by letters and ambassadors, but would show his gratitude by doing it himself. He would name as private to acknowledge his Majesty's protection and assistance. To which the French king replied, He hoped never to see him again. Upon his arrival at Dunkirk, the Pretender was surrounded with very fine troops, a large set of gold and silver plate of current workmanship, cloths for his horse life-guards, horses for his household, and other ornaments; towards the charge of which, and of the armament, the king was said to have contributed a considerable sum of money. The Pretender's motto upon the colours and standards were, "Dieu et mon droit," "God and my right." "Où l'honneur d'honneur, c'est à l'honneur d'honneur," "I ought not to depart, until I have my goods and help." And "Car vous ne pouvez pas, sans moi, l'honneur d'honneur," "Dieu, Lord, whom the world will obey, command, that it be done." The preparations of the French at Dunkirk gave great assistance to the Duke of Cumberland, who concerted with the British generals the necessary measures for defeating the plan, which seemed to threaten the British Majesty's crown, at which they generously volunteered in the game; and did likewise her money, Major-General Cadeaux, who had only on licence of the drugs from a Jew residing at Dunkirk. End.

graciously pleased to communicate to your parliament, the intelligence you have received of an intended invasion of this kingdom, by the pretended prince of Wales, supported by a French power.—We are so sensible of the happiness we enjoy under your majesty, and are so affected with the dangerous consequences of such an attempt, that to your graces and government, that with hearts full of concern for your majesty's safety, we beseech your majesty, that you will be pleased to take particular care of your royal person; and we, as our parts, are fully and unanimously resolved, to stand by, and assist your majesty with our lives and fortunes, in maintenance of your undoubted right and title to the crown of these realms, against the pretended prince of Wales, and all other your enemies both at home and abroad.—The care your majesty has taken for the defence of your dominions, and particularly in hiring out to great effect some short time, gives satisfaction; and encouragement to all your good subjects, who are likewise very sensible of the aid the States-General have shown upon the occasion.—As a further manner of our duty, we humbly desire, That you will be pleased to order that the laws against papists and recusants be put in execution; and that directions be given to all our officers and judges, with their judges and wives, as your majesty shall have cause to require are disqualified in your person and government.—And as we doubt not but, by the blessing of God upon the maintenance of your majesty's care, your nation will be put to confusion, so we readily embrace this opportunity, to show your majesty and the whole world, that no attempts of the kind shall deter us from supporting your majesty in a vigorous prosecution of the present war against France, till the monarchy of Spain be restored to the house of Austria, and your majesty have dignity to complete the recovery of the liberties of Europe."

The Queen's Answer]. To this Address her majesty was pleased to give the answer.

"My Lords and Gentlemen I have much entire dependence on the providence of God, and as much trust in the faithful services of my good subjects, that I hope this attempt will prove dangerous only to those who undertake it.—I am extremely sensible of your zealous and affection for me and my government, and shall have a very particular regard to the advice you give me upon this occasion.—I am also very well pleased with the justice which you have done the States-General, in taking notice of their timely care for our safety, and their readiness to give us all possible assistance.—The firm resolution which you express upon all occasions of supporting me in keeping the war to a safe and happy conclusion, as it is most essentially obliging to me, so I cannot express, it will slightly diminish our common enemies, and give the greatest advantage to all our allies."

The Queen's Speech on the Missions of the

intended Invasion.] March 11. Her majesty came to the House of Peers and made the Speech to both Houses.

"My Lords, and Gentlemen; I think it necessary to acquaint you, That I have received advices this morning from Oxford, that the French fleet sailed from Dunkirk, towards us, on the 10th instancing, consisting of thirty sail of ships of the line, and that the French army had notice of it the same day at two o'clock, and being very much superior to the enemy both in number and strength, I doubt no question but, by God's blessing, he will soon be able to give a good account of them. I have also since, that ten battalions of my troops were ordered at Oxford, ready to sail with their baggage; that they shall be ordered. And I shall continue to take all proper measures for disappointing the enemy's designs."

The Lords' Address of Congratulation (then, &c.) March 20. The Lords agreed upon the following Address.

"We, your majesty's most dutiful and obedient subjects the Lords spiritual and temporal in parliament assembled, render our most humble thanks to your majesty, for communicating to your parliament the intelligence received of the designs of the Pretender to your crown, suggested by the French king, and for what you have already done towards frustrating the attempt.—We humbly beg your majesty to persevere the most vigorous methods for the total disappointment of this design, in which we firmly assure your majesty of our most loyal and unanimous concurrence. We doubt not but your majesty will soon see such a spirit, and so dutiful a zeal, amongst your subjects, as will entirely dash the hopes of the Pretender, without diminishing the present assistance you have so long given to your allies for the support of the constant liberty of Europe. If with ourselves, and with just indignation, we bear of a purpose to invade your dominions with so considerable a force. That, as a more depend upon your wisdom and extraordinary assistance; so it is an undeniable good, that neither your majesty's party, nor the nation of your government, nor the interests of justice, nor reconcile some men to the present establishment, the only sure foundation of—liberty, and the Protestant religion: We hope your majesty will always have a just estimate of those persons, who, at a time when the bold attempt was a fact, and so near threatening us, were using their endeavours to support the actions of your best subjects, and secure yourselves in your majesty of those who had always served you most constantly and faithfully. And we beseech your majesty to give us just a sense of assistance to our people, as to suffer any such invasion to succeed to your royal person.—We hope for good effect from so unhappy an occasion, for the preservation of your majesty's government, for the Protestant Succession, and under us in the monarchy and under our children and posterity."



lenses, which have been continuously and unobtrusively improved. But, nevertheless, we must thank, also, in your inquiry, as our guests, that your agency should principally depend upon and encourage those who have interest under the microscope more steady and true to the interests of the living, and of your more durable more happy range.

For Queen's Answer, The gods give this

"My Lords, I am extremely sensible of your care and concern for the safety of my person and government; and very well pleased, to find your thoughts agree so exactly with mine, that no attempts at violence against us at this time should divert us from proceeding in the way agreed with the greatest safety; the aspect of such an enterprise being one of their principal motives to the presumption an undertaking — to I mean, but wish there were not the least chance of detection among my subjects, as I must always place my chief dependence upon those who have given such repeated proofs of degraded servitude and concern for the support of the Revolution; serenity of my person and of the Protestant Succession."

The *Lawrence's Address*] The address of the
Lawrence was not known.

"Has glorious coverings; We your majesty's most devoted and loyal subjects, the Commons of Great Britain in person met assembled hereby we to your majesty, do signify that your most loving of your grace and favour, communicating to us from the throne, the most true, French King's promising to supply your dominions, and to impose a Tribute up on these realms, were which your majesty's right and lawful coverings—the most noble order of dukes and counts with which this people presented, notwithstanding the great and true your is graciously bestowed with as much reverence, as it ought to be regarded with reverence on the one side, as on the other there is not cause to believe, that their char-

The speech being much planned with the design of the occasion, and with what Libby's friends believed to be those who presented to her her there was not room in Libby's discourse for those whom she was observed to make a considerable variation in her address, never to any speech mentioned the occasion, as those who had been concerned in. And many of those, who made a considerable figure about her, stood, though against stress and storm, to distinguish her talk from her previous, on which it was plainly marked, and on nothing else. But in that respect her speech she named the Revolution, and said, she would look on that subject as it was the most to her nearest. She also had a new designation on the part of her friends, and called her the Patriotess, particularly in her speech at the close of the year, and he was so called as a new address, which, upon the occasion, may lead to the speech of the year.

dependence is upon some of your subjects, whose restless passions and arbitrary principles have, for some years, engaged them in forming designs to undermine and destroy the most happy establishment that the government of this island was ever founded upon.—The defence of your majesty's person and government, and the support of the Protestant succession, are things so united to us and your people, that as a demonstration of our undivided will to assist and support your majesty to the utmost of our power, we do, on the occasion of the Congress of Great Britain, give this assurance, that whatever change you shall be at by augmenting your troops at home, and replacing those you have recalled from abroad, or for such other services as your majesty shall judge necessary upon this extraordinary occasion, shall be cheerfully much good. And we heartily recommend it to your majesty, that the strictest prohibitions may be inflicted upon such as shall attempt to solicit a change, as that of betraying your majesty and their country, so we do not doubt but you will give suitable encouragement to all those who shall show their loyalty by opposing the invader and his accomplices in Scotland, or wherever the danger shall be.—Your majesty wants no assistance to a steady prosecution of the war in which you are engaged for the common cause, yet permit us to take this opportunity to enter to your majesty, that the European may as well direct your common cause, than all the world may see that both your majesty and your people are determined to support your allies in all parts, wherever arms are made at home.

"May I please, your majesty? There can be nothing so dangerous or fatal to the safety of your royal person, and the security of the present happy establishment, as those persons who endeavor to excite divisions and dissensions among your faithful subjects, or by any seditious means lessen the just esteem your majesty has for those who have so faithfully and so bravely done your majesty's commands, and in so doing, they have injured your majesty and damaged your treasure, to the honor and glory of your majesty abroad, and the entire satisfaction of your people at home. We therefore humbly beg leave to beseech your majesty to discontinue all such persons and designs, in the most remarkable manner."

The Queen's Answer] The Queen's Answer

" Goodness; I give you my hearty thanks for this repeated assurance and virtual proof of your zeal for me, and for the Protestant Society. I am glad your thoughts of the war stood, as perfectly agree with my own sentiments upon that subject. You may depend that no apprehensions (farther than are reasonable) shall have any influence on my opinions while the cause of religion and liberty, with the good affections of our people, are on my side.—I think all who undertake to make divisions among my faithful subjects, must be mad and the brethren's enemies; and I shall ever oppose

Great-Britain by the sale of horses of Bays, and mares of Brevity in the county of York, and Duke of Devon in the county of Kent.

"In the month of July, an ambassador from the emperor of Pers and Morocco arrived in Great-Britain with a present of six lions for the queen; but upon his coming to Hammarworth near London, he was put under an easy confinement by way of refusal for the contrary put upon captain Belsham, the queen's envoy in that country, before he reached that court, which happened upon a false report, that some ill usage had been offered to Hamet Ben Hamet Charisma, the late Morocco ambassador here. But, upon better information, the captain was released, as was also the Moroccan ambassador. However the British envoy did not think fit to go in person to the court at Morocco, and only sent thither, with her majesty's letter and presents, Mr. Carbone, his secretary, who was received with great demonstrations of respect.

"About this time an indignity offered in London to some de Matasol, the Moroccan ambassador, was highly resented, not only by himself, but also by all concerned in the preservation of the rights and privileges of public ministers. Thomas Martin, a house in King-street, Queen-Garden, and some other tradesmen, to whom the ambassador owed several sums of money, amounting to the whole to about 200*l*., finding he had taken his residence of leave, and being apprehensive, that he would leave the kingdom without paying his debts, though a merchant in the city, trading to Morocco, had set a day for satisfying most of them, held several consultations together, and at last resolved to arrest him, which was done accordingly, on the 21st of July, in the open street, with several aggravating circumstances. For the ambassador, not knowing at first the reason of his being seized, imagining he was set upon by villains, struggled in his own defence, and was ill-used and overpowered by the bullies, who carried him to a springing house at the sign of the Black Raven, where he was detained all the end of November, and a number of the city had besieged him. The ambassador, released at this night, in violation of the laws of nations, applied himself for redress to the government; and the next day wrote a letter to Mr. Secretary Boyle, wherein he begged, "That the queen, who was so jealous of the respect due to the ambassadors of crowned heads, and had so gloriously vindicated the honour of the end of Manchester, her ambassador at Venice, and caused a rigorous punishment to be inflicted on the officers of the custom-house, some of whom were set in the pillory, and others condemned to the galley, and for seeking the punishment of his return, could not but most justly revenge the affront lately put upon her by a corporal punishment. That count Zolow, who was delivered up in the detention of the king of Sweden for picking a quarrel with his envoy, likewise afforded an instance, of the satisfaction he required, as being shewn of the king; which

greater earnest, than is usual, of the respect of the subject. For in such cases, and where persons are under any manner of restraint, he should be obliged to give measures, and return without trouble, leaving the whole matter to the discretion of his Country's magistry, his master, as the protector of his injured honour, and of the honour."

"At the same time count Gallas, the emperor's envoy, the house Spanheim, ambassador from the king of Prussia, and several other foreign ministers, thinking themselves concerned in the affront put upon their country, attended a due reparation for the honour which having been had before the queen, the still continued at Windsor, the expressed very great resentment for the indignity offered to the Moroccan ambassador, and commanded an extraordinary council to be summoned on the 21st of July on that occasion. Mr. Mordaunt, and some other lords, with the attorney, bishops, and other persons mentioned the arrest of the ambassador, having no returned, was committed to the custody several messengers, and ordered to be presented with the utmost severity, according to law. The next day, before Mr. Boyle returned from Windsor, the Moroccan ambassador wrote to him another letter, importing, "That, as he had not received any intimation of concern, or regret, either from the queen, or any of her ministers, since he had seen his complaints in writing, he feared himself obliged to press for his departure; and desired to desired Mr. Secretary to get a passport for him as soon as possible." Mr. Boyle acquainted the ambassador, "That several of the principal circumstances, in the desperate attempt upon his person, were committed to prison, and under protection, by order of the privy-council, who were to meet again about the affair as soon as possible." But the ambassador, being impatient to leave the kingdom, wrote a third letter on the 21st of July to Mr. Secretary, for a passport for himself and family. Mr. Boyle wrote, two days after, a letter to the ambassador, requesting him, "That had that morning sent him the passport he desired - that orders had been issued on to the officers of the custom-house to wait on him, to come his baggage to be transported out any objection; and he hoped, that already done that to his satisfaction." An extraordinary meeting of the privy-council was to be held that day, in respect to the affair; that they had made a great search of those, who were any ways concerned therein, and had caused two others to be apprehended, that orders had been given upon the attorney-general, to prosecute for treason persons now confined, with the usual regard to their working, that night coming towards the making home the next morning, that could be, according to the instructions their majesties, the

under which the ordinary presents made to ministers of her majesty, which were offered her by the queen, and retired in disgust into England, soon after he transmitted a memorial, with a letter from the earl of Marbury to the queen, dated the 17th of September, wherein the prince demanded no less than "that a special proclamation, commanding no civil respect of persons, be published on all the newspapers of a kingdom put upon the persons of his majesty's son, or, at least, such a one, as was adequate to the state of the affairs, which every particular person put upon the subject;" such a proclamation being altogether inconsistent with the laws of England, the which also were usual consistent to the queen and ministers.

On the 14th of October, about ten or the fourteen, died prince George of Denmark, on the 44th year of his age, after he had been every five years and some months in ward to the queen. He had, for many years, been troubled with an asthma, and sometimes spit up a blood, which often changed his skin, and, about three months before, a dyspnoea came, with which he had been formerly afflicted, and his legs and sides parts of his body. He was attended with a dyspnoea, cough, and an increase of the asthma, and, on Monday, the 14th of October, the violence of an ague, followed a spasm of his neck, and on the 15th of the disease, with an addition of "the most violent of the tenderness which accompanied a palsy to the nerves on which rested his eye and several other physicians, he without success, and which neither bleeding, nor sweat, could relieve him, so that he soon after expired. The queen, who, during all this course of her marriage, had been a true tender and affectionate wife to him, in this illness, which lasted some years, would never leave his bed, but sat up, sometimes half the night in the bed by him, with such care

and concern that she was looked on very deservedly as a pattern in the respect. The prince was duke of Cambridge, Lord High-Admiral of Great Britain and had not great numbers of all her majesty's forces both by sea and land, and master of the Longgarth. He had showed himself brave in the wars both in Denmark and Ireland. The prince was mild and gentle. He had made a good progress in languages. He had travelled through France, Italy, and Germany, and knew much more than he could well express; he had spoke acquired languages of and unconsciously. He was free from all vice. He applied little to business, even after the queen's accession to the crown. He was beloved by the family almost which they carried on his father, that he was much in their favour. He was very happily prevailed with to take on him the post of Lord High-Admiral, at which he understood little, but was easily led by those that had credit with him, who had got off of their long good qualities, but had lost all of temper and had principles. His being here in the sea gained him some credit in those matters. In the conduct of our affairs, against enemies, it denoted, to great satisfaction had followed on them. As soon as the prince had recovered his lost breath, the queen came from Kensington to her palace at St. James's, where she created the whole winter. On the 14th of November, the body of his royal highness was carried from Kensington, to the Palace of Chamberlain, within the palace of Westminster, where having lain in state till the 18th, it was that night interred in the Abbey-church, with all the pomp consistent with a private funeral.

The death of prince George occasioned some alterations at court, for the earl of Pembroke was, on the 14th of November, advanced to the post of Lord High-Admiral, which he entered on with great applause, and a just appreciation of the ability of commanding it with a success of war. He was on that day both lord-president of the council, and lord-treasurer of Ireland. The earl of Wharton had the government of Ireland, who made Mr. Addison his secretary, and the lord Somers was made lord-president of the council. The great equity and inflexible integrity of the lord Somers would have made his promotion to this post very acceptable to the Whigs in any position, but it was most particularly so at this time; for it was expected, that propositions for a general peace would be quickly made and so they reckoned, that the magnanimity of that, upon which not only the safety of the nation, but of all Europe depending, was in great hands, when he was set at the head of the council, upon whom neither all pretences nor false colours were like to make any impression. Thus it is made of all those, who were truly zealous for the present constitution, were much gratified by this promotion, though their judgments had a deep rose, and were not easily removed.

Many lords by the way, that, notwithstanding

"Mr. Addison gave the following account of the affair, in a letter to the earl of Manchester, dated at the Hague, July 22, 1706, D. 5. and published in Cole's Memoirs of Addison at page 248. "We had an accident here about two days ago, that belied the New-rose ambassador, who was arrested just out of his house and rudely treated by the sailors. He was then upon his departure for his own country, and the man under an hundred pounds that stopped him; and, what added to his misery, he has been persecuted since the business was, and had great orders, that this way and it could be, paid the day after. However, it is a very well accounted, that the government entirely disapproves such a proceeding. There are no consequences apprehended from it. Your lordship knows, that the protestant ambassadors are under very little respect in England, and I believe, that a bill is proposed in the next parliament for their upon a certain fact, at least it is not a bill of grace, which is the case."

chief-judge Holt, the duke of Queensbury, the earls of Seaford, Sandwich, and Rutland, and lord Clarendon. The earl of Chichester was made treasurer of the household in the room of the earl of Bedford, deceased, sir Thomas Pelham comptroller, and Mr Edmund Dunch master of the household. Sir James Montague attorney-general, and Mr Robert Tye we were joined the duke of Devon was appointed the 22^d of December, chancellor of the exchequer, and master of the Chancery.²¹

This summer was already distinguished by the victory obtained at Oudenarde, which though both glorious and advantageous to the allies, was not so decisive as some that at Blenheim or Ramillies, the French making good their retreat and repelling all the attempts that were made to put them into confusion.—The siege of Lisle, one of the most important in the world, was first undertaken by the confederate generals, in the night of an autumn prior to their own; which had proved themselves so advantageously, as to cut off all communication between the Spaniards and Brussels, whereby communication of all sorts began to fail; and the consequences might have been greatly enhanced, if general Webb had not, with incredible conduct and bravery, kept covered the grand company committed to his charge, and with a party of but 2,000, defeated an army of between 50, and 25,000, which had Lisle deserted to make room of a supply which was of such immediate importance to the confederates. But the work of this gallant action was by Mr Cardenal, the duke of Marlborough's secretary, described solely to lieutenant general Cadogan, who did not come up till it was entirely over, and the enemy retreating in disorder without the least mention of Mr. Webb, who thereupon quitted the army in disgust, and very shakily set forth the injury which had been done him, both to the queen and the whole nation;—he then returned the elector of Bavaria invited Brabant, but was kept at bay by the governor and garrison till the confederates passed the Scheld to their relief. Upon which he abandoned the siege in confusion leaving his artillery and wounded men behind him.—The town of Lisle had already capitulated, and now the castle did the same. And the reflection of Oudenarde, which had been before hallowed to the French, finished

the campaign on that side.—In Spain the duke of Orleans reduced Turin, Denon and Alcaniz; but to counterbal these advantages John Lewis conquered Barcelona, and gained San Roque Minorca; and in the West Indies Commodore Wager had an engagement with the Spanish galleons, in which the admiral blew up, another galleon was run ashore, and the rest-of-the-war was taken, being intoned with 24 ships guns, and her loading of an immense value.

FIRST SESSION OF THE SECOND PARLIAMENT OF GREAT BRITAIN

Meeting of the New Parliament [November 15, 1708. The New Parliament met this day with great advantage; for the present meeting was now wholly such as gave us entire satisfaction, who waited well to the public esteem; and the great successes abroad increased those who were otherwise disposed to feel national complacency. The queen did not think it decent to come to parliament during this whole season, and therefore, having granted a Commission under the great seal, appointed the archbishop of Canterbury, the lord chancellor, the lord justice, the lord-steward, and the master of the horse, to represent her royal person, the Commons were desired to come up to the House of Peers, and hear the commission read. Which done, the lord chancellor acquainted the Commons, that they should immediately proceed to the choice of a Speaker, and present him to the House following.

[Sir Richard Onslow chosen Speaker.] The Commons being returned to their House, the lord William Powlet moved to choose for their Speaker, sir Richard Onslow, a worthy man, entirely agreeable for the government, and very acceptable to the Whigs. He was seconded by sir William Brouncker. But major general Mordaunt, by way of reply, proposed, that they should choose Mr. Justice, the clerk of the House, who, having been accused to good Speakers, to administer oaths, and to the next, seemed to be as well qualified for that office as any body. But at last, general Mordaunt supported the lord Powlet's motion, commended sir Richard Onslow's experience and courage, and added, 'That, being possessed of a good estate, he did not lie open to the temptation that might have persons, who had their fortunes to make against the interest of the country.'

And the House generally calling upon him to the chair, sir Richard Onslow, in his place, desired, that the House would please to accept him, in respect of the many difficulties attended the discharge of its great trust, declaring that his attachment to them was freed from all real sense of his own condition, lest the voice of all the public might serve as a prejudice by his company, withdrawing the House he bade them thank, for the great honour they had done in proposing him. Upon which the House unanimously calling upon him to

another occasion, she said she had not leisure yet to read all my papers, but, when she had, she would send me some answer. But some time came, and she sent my papers my answer, effect of her majesty, except that, after my coming to town, as she was passing by me, in order to receive the Commons, she talked with much good nature, and very graciously smiled upon me. But the words and pleasant look, I had received afterwards, in thank, were given to bishop Taylor and the Commons-Paymaster, and not to me."

[illegible]

The New Speaker presented, and approved of] Nov. 18. The Lords Commissioners, in their robes, being seated on a bench placed between the throne and the woolsack, commended the deputy grandmaster under of the Black Rod to go to the House of Commons, and demand their attendance in the House of Peers. Which being done :

So Richard Blackier said, " My lords, The Commons of Great Britain, assembled by virtue of her majesty's royal writ, and in obedience to commands, have closed their Speaker. Being made the necessary subject of that choice, I am obliged to tender myself for approbation. May my most humble intercession to your lordships, to disapprove this choice obtain pardon, proceeding not so much from fear, as a sense of my own inability, but the service of the crown, and that of Great Britain, should suffer by any defect of mine; a consideration of that nature being much too great for me to support myself under."

Then the Lord Chancellor Croft said, " Gentlemen of the House of Commons, By virtue of her majesty's commission, and having other lords present, we do, in her majesty's name, approve of the choice you have made, and seating a person to be your speaker, and do allow of, and confirm you, Sir Richard Blackier, to be their speaker."

The Speaker's Speech follows.] Then Mr. Speaker said, " It is my duty, to what most humbly to acknowledge the honour conferred on me, to give utterance of my eternal acknowledgments to the commons of the queen's servants, and to supply my inability by a faithful and diligent application to the dispatch of those great and arduous affairs for which the parliament is assembled. In discharge of my duty to the Commons, I demand Liberty of Speech, that their Debates may be free, the better to enable them to make suitable provision for the support of the common cause. That nothing may interrupt the attendance of the members, freedom from arrest for themselves and their wives, and that their properties may not be disturbed. And, that the queen may have a true state of their proceedings, access to her royal person, so often as the service of the public requires it necessary.—My lords, I presume to ask, as a single grant of these privileges as ever were made to any preceding Commons, believing, no prince ever had any more loyal, or more deserving to grant a trust.—My lords; The very readiness and unhappy occasion for opening this parliament by commission obliges my intercession to your lordships, for such a favourable representation to the queen, as may induce her majesty to pardon my necessary errors, and that such only be imputed to the unfortunate author; believing, no consideration can ever prevail with me, seasonably, to do any act contrary to the true interests of the crown, which, naturally, is that of my country; to which service, as I always have, I am entirely engaged myself, without any other consideration whatsoever."

Then the Lord Chancellor said, " My Speaker; We have it is commended from her majesty to let you know, that her majesty is fully assured of the devotion and courage, as well as the good affections, of the House of Commons: and as to the rest you have made in their name; that her majesty is pleased to grant to them all their privileges, as is accustomed as they were at any time granted, allowed by any of her royal predecessors, and as to what you have prayed in relation to yourself; you may be assured, her majesty will give the most favourable construction on your words and actions, in the execution of your duty. Speaker of the House of Commons, it seems I should stand in need of it; whose loyalty, integrity, great experience, and abilities in the business and stages of parliament, are well known."

The Queen's Speech, by Commission, opening the Session.] Then the Lord Chancellor opened the session with the following Speech to both Houses.

" My Lords, and Gentlemen, In pursuance of the authority given me by her majesty's commission under the great seal, among other things, to declare the causes of her majesty calling this parliament;—we are, by her majesty's command, in the best place, to lay to you, that the extraordinary length of the queen's campaign hath obliged her majesty to defer your meeting longer than she would have done, that you might be informed with the greater certainty of the state and posture of the war, in order to your resolution in the ensuing year.—The necessary delays, owing to the delays in the success or other accord, as that, whether you consider the plans required by the allies, or the further continued progress given this last year to the superior courage and conduct, (whatsoever the future part of the war, is equal to the advantages,) we may, with thanks to God, justice to those he hath been pleased to use instruments in this great work, conclude, that upon the whole, we are brought much nearer than we were the last season, to the end of our undertaking this war, the reducing the dangerous power of France, and so forth, a peace as may arise itself from being related.—Her majesty therefore commands us to assure you, she hath not the least doubt, that this parliament will be of the same service with her last, as to the vigorous prosecution of the war, and the ends of it; believe it impossible, the representatives of the nation can endure to think of losing the result of all our past endeavours, and the great advantages we have gained (particularly in present year) by substituting, as her majesty's peace.—And therefore, nothing can hinder our success should time to come, but notwithstanding our necessities at home, we have it in our power to assure you, by your duty to God and her majesty, your zeal for the Protestant religion, your love for your country, and the honour has been for the liberty of Europe."

in the manner of sending it to her on that occasion."

[The Commons resolved, *nam. viz.*, That an Address should be presented to her majesty, to console with her upon the death of her royal highness prince George of Denmark, and desire her majesty to take care of her royal person upon whose health the happiness of the kingdom, and the interests of Europe so much depend; and to assure her majesty, that the Commons of Great Britain would support her against all her enemies, both at home and abroad.

On the same day, they came to a Resolution upon another Address to the queen, to congratulate her on the glorious success of her arms, and those of her allies in this present war; and to assure her so great of their utmost endeavours, to enable her to carry on a vigorous war against the common enemy, and the liberties of Europe might be secured by a safe and honourable peace, and also to support and defend her majesty, and the Successors as by law established in the Protestant line, against the Pretender and all his open and secret adherents. The text of these Addresses being reported to the House on the 22d, by Mr. Boscawen, and the other the same day by Mr. William Warburton, the House ordered, that such members of that House as were of the protestant religion, should attend the queen, and tender to her majesty's pleasure, when and as they thought she would be pleased to be attended with the said Addresses. These gentlemen attending accordingly, Mr. Secretary Boyle reported, that her majesty was graciously pleased to answer: "That she took very kindly the application of the House to her on that occasion; and that it was her majesty's pleasure, that such Addresses as the House of Commons desired at that time to present to her majesty, should be delivered to her by such members of that House, as were of her majesty's most honourable party:—and"

[The Common Address of Condolence.] The Address of Condolence was as follows.

"Most glorious Sovereign, We your majesty's most dutiful and loyal subjects, the Commons in parliament assembled, take this first opportunity of expression to your majesty, the deep sense we have of the great loss your majesty and the kingdom have sustained in the death of his royal highness prince George of Denmark, whose tender affection to your majesty, and love to our country, had gained him the hearts of all your good subjects, and will render his memory dear to them.—We humbly beseech your majesty to moderate the grief so justly due on this sad occasion, since it cannot be indulged without endangering the health of your royal person, on whose safety the happiness of Great Britain, and the liberties of Europe do so much depend.—Your faithful Commons think themselves obliged more particularly at this time, to assure your majesty of their available loyalty to your person and government, and of their firm resolution, when

truly to support your majesty against all enemies both at home and abroad."

[The Queen's Answer.] Her majesty's gracious Answer: "That her majesty does you very kindly for this Address; and that she consents which the House has expressed to be addressed, is very acceptable to her majesty."

[The Common Address of Congratulation.] The Address of the Commons to the Queen.] The substance of the resolution was this.

"Most glorious Sovereign, We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to congratulate the glorious success of this year, gained by the arms of your majesty, and those of your Allies.—The most excellent integrity that has been so nobly displayed, so vigorously prosecuted and improved, and upon all occasions to be highly applauded, are repeated instances that in deliberations are inseparable to your great satisfaction, and no force of the enemy able to obstruct the progress of your victorious arms, which give us good grounds to hope for future success, having the conclusion of this happy active campaign.—Your majesty's good prospects, through the whole course of this war, have most cheerfully granted the necessary supplies, for supporting and carrying it on with vigour, and have been with good fruit to the common good, and that your majesty may be moved that House will never be wanting in their due to your majesty, or the interest of this day represent, but are determined to provide supplies, as, by the blessing of God, may be the most effectual for reducing the power of the common enemy, and serving him to stop such a power, as your majesty, in conjunction with our allies, shall think fit to conclude and carry.—The Commons so great a glory in your just, and advantage to all your people, shall do every thing on our part, to support and support it; but above all, it shall be our constant care, to defend your majesty's most person, to support your undivided title and crown, to disengage the hopes and designs the Pretender; and all his open and secret adherents, and to maintain the Protestant religion as by law established."

[The Queen's Answer.] Her majesty's gracious Answer:

"That her majesty returns you many thanks for all the kind expressions you have made in this Address, particularly for the assurance her, in bringing the war to a happy conclusion, which her majesty has very much desired, for the ease and comfort of her people; and as she is extremely sensible upon your dispatch of the supplies sent to that end, so she hopes God Almighty will continue to bless the endeavours of her majesty and her subjects, for the good common cause."

"The proceedings in both Houses were agreeable to the direction given by the royal letters, and passed with

[*in Power of Scotland's adding Some more members to its own Parliament.*] Dec. 8. The Commons took into consideration that part of the Act for joining the two Kingdoms, which relates to the election of members to serve in the House, for that part of Great Britain called Scotland, and having heard counsel, and the petition, and representations relating to the acceptance of the eldest sons of Scots peers, to represent the Commons of Scotland in the parliament of Great Britain, being read, the petition, both of the commons' representatives, and of those representatives, said, That by an act of the Scots parliament, entitled, "An act for settling the manner of electing knights, peers, and forty-two commissioners, to represent Scotland, in the parliament of Great Britain; which act was ratified by the 'Act for joining the two Kingdoms,'" it was declared, "That none shall be capable to elect, or be elected, to represent a Shire or Burgh in the parliament of Great Britain, for that part of the united Kingdom, except such as were then capable to elect or be elected, as commissioners for Shires or Burghs in the parliament of Scotland." That from hence it evidently followed, that the Scots peers eldest sons could not sit in the House of Commons of Great Britain, unless a bill appeared, that they were capable to be elected, and were as members of the parliament of Scotland: but, as a point of the contrary, several assertions were alledged of their being always rejected by the parliament of Great Britain, and, in particular, the ancient *Charta libertatis*, in the year 1603. That the fundamental law of the Union had most expressly reserved to the Commons of Scotland, their valuable privilege of electing their representatives a parliament, from among the best qualified gentlemen of their own number and age, in the same manner as they had formerly used to do. That in electing members of parliament, the choice of the electors ought

to be made as free as is possible from the influence either of bribes or threats, and in justice, should only be determined by the liberty and candour of the persons to be chosen; for his character be such as promises a faithful discharge of that great trust: and that his election be accompanied with a sufficient competency to serve the particular interest of his

Country; had a clear majority in every thing, all voices were judged in favour of Wilkes and Courtney, but with so much partiality, that those, who had formerly made true complaints of the injustice of the Tories, in determining elections, when they were a majority, were not so much as out of countenance, when they were repressed for the same thing: they pretended they were in a state of war with the Tories, so that it was reasonable to observe that to them, on the account of their former proceedings, but they did not satisfy just and upright men, who would not do to others that which they had complained of, when it was done to them, or to their friends." That!

scandalous, as well as the criminal intent of his history. But that law in Scotland could be supposed to be in a confusion to maintain the character, the Commons there being surrounded with a numerous and powerful party; who, like so many sovereigns, judges and deans, make their respective branches, in answer to each other's civility, being joined with vast apparatuses and hereside paradoxes, so that no commoner holding any part of his lands of a peer, or indeed being in his neighbourhood, could be supposed as likely to make a free choice of his representatives: so that the Commons of Scotland, whereas the majority of their parliament consisted, had no visible arguments for preserving entire to themselves, that necessary privilege of excluding their peers eldest sons, from being members of that House. That if the parliament of Scotland, which consisted of peers and commons sitting together in the same house, enjoying the same liberty of speech, and the same common privilege, and powers of capacity, being also restrained to the same rules and forms, had so many weighty reasons for excluding their peers eldest sons, how many more arguments, of greater moment, might be urged in the House of Commons of Great Britain, who submitted a separate and distinct House from the peers, enjoying by themselves, as every valuable privilege and immunities, which could not be encroached upon, or subjected to a House of Peers, without subverting the whole constitution of the House of Commons? and, in the last place, that England and Scotland being now united, and their interests inseparably joined, it ought to be a maxim with all true Britons, that the liberty of the Commons of Scotland, will always be an advantage to those of England; and that the slavery of the first cannot but ending in the destruction of the latter. Little was added, on the other side, against these arguments, so that the question being put, "That the eldest sons of the peers of Scotland were capable by the laws of Scotland to elect, or to represent any shire or borough in Scotland, to sit in the House of Commons of Great Britain," it passed in the negative.—In pursuance of which, three days after, the Commons ordered their Speaker to read out his warrants to the clerk of the crown, to make out new writs for the electing commissioners to serve in the present parliament for the shire of Aberdeen, in the town of William lord Haddocks of the earl of Aberdeen, and for the shire of Linlithgow, in the town of James lord Johnston, son of the marquis of Annandale, who being eldest sons of peers of Scotland, were declared to be incapable to sit in that House.

[*Debate concerning the Election of the Peers of Scotland.*] A petition of a new nature was likewise brought before the Lords, with relation to the election of the peers from Scotland. There was a return made to the petition, but a petition was laid before the House in the same

upon her majesty's throne? And can we reasonably promise ourselves any security whenver he is as a constant or give us the least disturbance? And is he not as a constant? Is he not as sure as this year as he was the last, notwithstanding all our complaints? That is an advantage we often only have by them, to have their strength at a greater distance. Has he not thirty ships, and as many troops as, might war, as I mentioned to your lordships? Now, my lords, has he not as great encouragement to design his attempts as he had to undertake it, and shall possibly show your lordships, from whence this does our great security arise? Besides, my lords, what is yet farther, every body is convinced by the inconsiderable force, the small number of ships and troops, the French long employed in the last attempt upon the treacherousness and presence of assistance he had from abroad, and yet, notwithstanding all our enquiries, it is not as great a mystery to this day as it was, who the persons amongst us are, who were concerned in this black and criminal treason?—It is true, my lords, several persons of great quality and interest have been taken up upon suspicion, brought from three or four houses and country, while others I surely have had the opportunity of supplying them in their interest there. It is not for me to say, whether this proceeded from ill will to power, or fear to others, but, has any thing been proved against them? Does not the fact that has been got a for them, and their sitting in this House, convince every body of their innocence? Is this the way of proceeding has either proved venious to the subject, that any real security to the government, and I hope will make us for the future not a greater value upon our Habeas Corpus Act, which was the right of every subject before by common-law.—Nor has the character that have been made of persons to be suspected had any better effect. There are two I shall mention to your lordships, and I think greater mistakes than both of them can scarce be got into words, the first is, that men of arbitrary principles are the persons who ought to be suspected; this argument has been very much abused, and great pains has been taken to persuade the world from men's practices in former reigns, that they are still of arbitrary principles, and from thence it is inferred they ought to be suspected. I shall not trouble your lordships, or myself, at present, to show the weakness of this argument; I will take it as they thus have use of it would have it, for a strong and undesirable consequence, and then I ask, what, my Lords, is the reason to suspect any, who are at the head of your ministry, of giving this encouragement to your enemies? For I will be bold to say in this place, if this be a good argument, it is as strong against some who are at the head of your ministry, as against any man I know of who is not at it.—There is another character of suspicious persons, which I cannot but take notice of, because I think it ought very bold to the

freedom of parliament, for it is impossible for any man to take notice, either in parliament, or to the queen herself, of any wrong, wrong, or false steps in the management of public affairs, without so far reflecting on the money, and if this it is to be interpreted as an insinuation of insinuating her majesty's past management of her ministers; and those who do so may be styled as dangerous to the state, and her majesty's person, and the present administration. I am afraid her majesty, for the few years, have several things concerned from her, which might be far her service so lower, and not the great risk and use of parliament, the drawing of grievances, and keeping great us in awe, will be quickly laid aside. But, my lords, we have a very visible mistake, for this is a great mistake; for do we not know, who the last year requested the crown to complete of the merchants in parliament, be advanced to the greatest place of trust and power? So that these two methods have made showed us, who ought not, then who ought to be suspected.—My Lords; I shall now return to any one word in the former part, and we would apply an observation of the same to the case on hand, I believe it would remain in the same light. They tell us that a great difference to be made between a disease and a destruction. Every disease is a destruction, but every destruction is not a disease, the soul and the body are distinct, but they are not divided, for that would be a new death; it is so in this case, the Papists, Jesuits, and Nonjurers, are a party of men drawn from the rest of the nation, they will be false informers, as they call it, that violate of love and loyalty that condemn every just subject. But as for others, however they may be distinguished, and differ among themselves in their actions relating either to religion or civil policy, yet they seem all to have some regard and concern for the honour and safety of her majesty and government, I will not be misunderstood, as if I did not that not of all parliament may be truly; I know, however among the Apostolic dissenters, for I have the bag proved the traitor.* My lords

* The House of Peers having ordered the members to attend on the 18th of January they took their consideration on the State of the Nation, in relation to the late insurrection between Scotland; and the Lord Haverley opened the debate with his usual speech, which seemed to be prepared for that occasion, and was not without some strokes in it, both against the country, which were the more that gained attention from some, who were in no remote advantage of his lordship's principles or faculties. At this, 'He among the Apostolic dissenters, who have the bag, proved the traitor.' These words were no more known in the other than would be between Tories and Whigs; yet every one knew whom it was intended, and because they held transient meetings, therefore, the Whigs, as a traitor.

only is, that those who have taken the Test to the government, may at least proceed to an equal degree of your civility with those who never put on and off; and it is those persons who never put on and off the government, that her majesty points at in her last speech to her last parliament, for after she had been pleased to say, "It is certain we must be all inseparable," (I need not take warning from this attempt, to complete what may be necessary for our safety at home, and for discouraging the like to the foreign; to which, by God's blessing, there shall be nothing wanting on my part.) In the following paragraph she is pleased to add, "I must recommend to you, as your ordinary and usual civility, to use your utmost care and diligence in putting the laws on execution upon papers, and all others directed to my government, and in making them pay towards the publick, even to the full of what the law requires from them. Nothing being more reasonable than this duty, who by their principles and private engagements (if not actually formed) and disturbances, should doubly contribute to the charge of quelling them, and securing the publick's peace, and should know themselves, most well convinced, to be responsible for the same inconveniences that may ensue?" Which in paragraph, well, I hope, justly what I have often notice of in your lordships.—My lord, I do not forget the obligation I am under to a noble lord, and therefore shall now do your lordships, that notwithstanding the discouraging failed in his late attempt upon us, and his own re-encouragement to renew it, and he had at first to undertake it. And, my lord, I think a great deal that I have said to your lordships twice. It is not a great encouragement to him, to see, notwithstanding his many words that he has amongst us, all the methods that we have hitherto taken, have failed in order to discover any of them? And in the methods have not been taken, that perhaps have signified more towards a discovery, and have been made use of at other times, I must promise both of you and myself. There be not one how easily he can make the same policy that supports all our

enriched nobles as this, are often the best arguments to support a bad cause: What followeth at the end of Whiston's? Do you know those Lords, who the last year opposed the rise and complaint of the Ministers in parliament, now advanced to the throne, place of trust and power? Having returned to and particulars of encouragement to the late intended invasion, he brings a set of interrogatories, exactly like the heads of the petition to the present government, and the Lords, will so circumvent and make the scales never fall off from our eyes? Must some man's mighty services prevent our looking into what's great mismanagement? And must the poor seem to be continually seen hindered by the struggles of some other person?—*Objection*

conscience, I mean the Bank? Was it not in danger of breaking? And has it recovered the blow to this day that he gave it? For, my lords, if men cannot be masters of their own money, which they trust with any body, upon no other reason, but that they may command it again in any case of necessity, without being looked upon as suspected persons, I believe men will be so wise as to secure both their money and themselves too, from any such danger. There is another encouragement, which he has, my lords, and that is, the weak and dissolute condition of Scotland, the deficiency of force, and all sorts of your garrisons there, at the time of the invasion, notwithstanding the certain accounts and knowledge we had of it. What, my lords, will no alarm awaken us? Will the scales never fall off from our eyes? Must some man's mighty services prevent our looking into what's great mismanagement? And must the poor nation be eternally such, hindered by the struggles of some other party? My lords, I hope it is not thought that I have been thus repeat with your lordships from any fear of personal danger. I am content to take my lot with others as it falls, whatever it be, but I was afraid lest her majesty should be distressed whilst she lived, and that the destruction of papers or slavery, which we are speaking peace to ourselves, it will suddenly, like a flood, break in upon us.—My lords; if your lordships have any intention of looking into this matter, I shall make your lordships a reason, which perhaps may give us some light; it is indeed a complex one, and rather a stackable of papers, it is, that her majesty will please to order, that there may be laid before the House, at what time her majesty ordered the first account of the intended invasion. What orders were then upon issued into Scotland, with relation either to forces or garrisons? What was the number of regular troops and forces there, at the time of this intelligence? What was the state of the garrisons there at that time? What representation was made, or forces sent thither, from the time of the intelligence, to the time of the invasion? What orders have been given with relation to the garrisons, and when, both before and since the invasion, from the time of the first intelligence?

Several other years spoke to the same purpose; whereas the House appointed a Committee, to enquire into the State of the Nation, so relative to the intended invasion, and ordered an Address to be presented to her majesty, to desire that the Papers, concerning this affair, might be laid before them. Which her majesty was pleased to direct accordingly.

Lord Haverham *on the demand of the Scots Invasion.* On the 25th of February, the Lord Haverham, opened, in the House of Lords, the account of the Scots Invasion, in the following Speech:

"My Lords; The speaker of this House, with relation to your enquiry into the intended Invasion, since your Address to her majesty to

have the Papers laid before you, and when they have been upon your table, is no very visible, I need not take notice of it, but ought rather to ask forgiveness for myself, that I should dare to make an assertion that neither comes more to your knowledge, nor should I do it, were it not from an absolute necessity, and please, would I could be able to speak, and those lords who did me the honour to second the motion I made for addressing her majesty for those Papers; for to say it seems too much like a challenge, to sit down calmly under any reflection it may be in the power to cast off, and there are some which are, perhaps, hereafter may be reproached with. One is, that these lords who made you that motion, never so much as looked into the Papers they called for, or have thought on, or intended that matter since, perhaps they will say so too, that they never intended it should come to say thing, if it was only a cover to some design they had under it, say, I do not know but they may go so far as to say, that, under hand, they were trying how to act of great would relief. Should such a thing be offered, I leave myself to innocent, as in our present circumstances, I should not give my consent to it, for I shall always think, that, when honours are desired, reasons, and headstrong, let who will be upon their back, it is at they should never be without a good strong curb on their mouths. And, as to these Papers, my lords, I have looked into them, and those who have done so, cannot, in my opinion, but think of them. But that your knowledge may not have my word for this, I will, with your majesty's leave, take notice of some particulars that are in them; and that you may be certain of the truth of what I observe, I beg your clerk may read, for reasons, the Papers themselves, so they shall be called for.—It will not, I presume, be denied me, that, upon the 22d of February, Mr. Boyle received certain intelligence, that the intended movement at Dundee was designed for Scotland; there had been several advices before of great preparations making, and, by the great quantity of fire arms, it was judged to be for some land design. The States were apprehensive, and requested her majesty, by their minister, with it; and Scotland had been, in several intelligences, named, but I do not find there was a certain account till that of the 22d of February, to Mr. Boyle.—The queen, in her letter of the 24th of February, to the council of Scotland, thinks it necessary to request them with it; and, that she does expect they should do their utmost for the protection of her subjects, and preservation of the public peace; that nothing on her part should be wanting, that she had given orders, that some of her troops in Fife should be ready to embark, in case the embarkation at Dundee should go on; and that her troops in England and Ireland were so disposed as to give what assistance might be necessary, and, as it was usual, authorized and empowered them, the queen's council, to give such orders as were proper to

put her forces, ships and garrisons there, in that order.—That there being allowed, the question is, What number of forces, either regular troops, I mean, were in 'Scotland' this time, that is, the 22d or 23d of February 1710? I cannot but observe to your honour, that there has been a great deal of confusion in the 'Statement' of intelligence, and the account was particularly asked for by your grace, yet, is all that great bundle, the one Paper from whence various is made, but, I was therefore forced to sit in the light and darkness I could otherwise have very good authority for what I mean to say, and do shew to your knowledge, that regular forces in Scotland, upon the 22d of February, that were not above 5,000, as I have mentioned, I hope some had been out of the right, and take upon themselves to say the real number was at that time.—And, if these were but 5,000 men, it seems to me was not a number or strength, that could be thought by any man sufficient to secure or protect the kingdom against the invasion threatened it, and the interest that was in the cause was such, that I do not find the State so much as trust there officers with their own defence. We are therefore, in the place, to consider what additional standing augmentation they thought of making, what assistance, either from the French or Oxford, or those from Ireland, or England or from hence.—As to augmentation or assistance, I had there was little or nothing done in that part. The parliament indeed had, on the 20th Dec. 1709, passed the establishment of the forces in Scotland from 2,800 to 3,000; it appears by a letter from the earl of Leven, the earl of Mar, of the 7th of March, which never had as yet been taken of what parliament had done; for, in this letter the earl of Mar, he desires him again to make the establishment, and let him know it is the queen's encouragement to any who should be willing to take arms to join them; and says, that, he hopes, at least, that so much will be necessary as in this case the Earl of Leven will be given now; for that would be some business, and lay about men. And the letter it appears there was a great great colony now, or increase the force; Scotland though there were 3,000 men more at that time, and had been so even since the parliament had voted the establishment in London, and though our danger, as that was the want of them was at very great evident, which seems very extraordinary. It does not appear that any detachment, or force for any other service, all the time was ever, was ordered, here till the 7th of March, and then, indeed, on the 10th, the earl of Mar writes from hence to the Leven, that my Lord Treasurer had sent the people of Leven with money for the payment of other necessary charges, and had said that my Lord Marborough could have

and proper dispositions of the forces in England."

The Commons vote their Thanks to the Duke of Marlborough, (though absent,) Jan. 22. The Commons unanimously resolved, "That the Commons of Great Britain being truly sensible, not only of the great and excellent services performed by his grace the Duke of Marlborough, the late successful campaign, in such to the honour of Great Britain, and advantage of all Europe; but also the not less noble and heroic conduct, for the service of the common cause abroad, while he might, with reason, expect to be rewarded with all the marks of honour and satisfaction at home, do with a just

"However, the author of a paper, supposed to be written by the Lord Haverham himself, and published in 1706, is this, under the title of 'An Account of the late Jacobites, as it was' opened by Lord Haverham, in the House of Lords, on Friday the 24th of February, 1706-67 with some Observations that were made in the House of Commons, and that copies of authentic Papers, in a Letter from a gentleman in South Britain, to his friend in North Britain," observes, p. 30, 31: "That the same papers being laid before the House of Commons, persons in their Address, presented the like observations there, and that the Scots gentlemen concerned with the English, in blessing the conduct of the ministry, acknowledged as much to give great encouragement to the conduct of the government; while its friends look on their country to be perfectly given up. Thus, they said, was their general sense. In the House of Commons, some observations were also made upon the suppressing many persons in Scotland at that time; several lords and gentlemen of the best quality and names were apprehended and secured, by virtue of warrants sent from hence for suspicion of treason and treasonable practices; though it does not appear from the papers, that there was any cause to suspect; nor that any of these countrymen (who were the proper persons to be advised with on this account) was counted on it. For the end of May, in his letter to the earl of Lerin, March 8, writes, That he, with the dukes of Gloucester and Montrose, the earls of London and Seaford, were summoned to the cabinet, and were told there, that some Irish houses had, by wronging suspected persons, suspended the Habeas Corpus act, it was fit persons in Scotland should be apprehended; and a list was read to them, which they took down in writing, and warrants were ready drawn. This was certainly a very extraordinary way of proceeding, and the more extraordinary, because the greater part of the lords and gentlemen, taken up by these warrants, had given undoubted testimony ever since the Revolution in which some of them had been very active and instrumental of their liberty and good affection to the government; they had taken all oaths that had been required for

regard to his glorious actions, return his thanks of the House," And ordered the Speaker to transmit the same to his grace.

The Duke's Answer: Which being done accordingly, the Duke of Marlborough was pleased to return the following answer.

"Sir, Brussels, Feb. 15, 1706.
"I am extremely sensible of the great honour which the House of Commons have done me, in the Vote you have been pleased to present me by their order; Nothing can give more satisfaction, than to find the service I endeavoured to do the queen and my country acceptable to the House of Commons. And I beg the favour of you to deliver them, I did

best security; they had not in parliament, some of them had been in others and might, words of great force in the reign of King William and in her majesty's. Others, under his circumstances, were taken up by women, bearing date the 15th of March, when the danger was over; which made the Scots gentlemen very free in declaring, that the taking them up could be for no other reason, than to influence the approaching elections to parliament; and for their disaffection to the crown some concerns them personally, rather than to their disaffection to her majesty's person and government, in which they were the most concerned, because they were then not in disaffection to the papers against myself. There was indeed some resolution of high words pretended against five gentlemen, taken up by warrants from the privy council of Scotland, but that was such, as the lord advocate was neither he, nor the other advocates say in for her majesty, did think would concern them, and therefore, handsly offered it to their friends, that it would be more for the honour of yours of her majesty, and of her government, that they should not be preserved. That of Sunderland, in his answer, requested him, he had had his memorial before her majesty, who was well satisfied with what he had done, in procuring evidence against the parties, and though possibly, upon their trial, the evidence might not be sufficient to convict them by the law of Scotland, yet, considering all the circumstances of that affair, and the necessity has made in the world, for her majesty's safety, it was absolutely necessary for her service, that they should as far as was possible, be secured. After all the observations made upon the papers, the consideration of them before the House of Commons, in the manner above mentioned. The gentlemen that were against this Resolution, desired that all persons had before the House, relating to the intended invasion of Scotland, might be given; that the world might see and judge, how grounded it was. But those, who had given the ministry in their debates, and voted for the Resolution, would not suffer the papers to be given; so that the question was carried by the majority."

may think my pains in perseverance too great; I may (by God's blessing) be instructed in preparing a safe and honourable peace to her majesty, and my fellow-subjects [as with much, &c. Your, &c.]

"*MILTON*—"

After of both Houses, during her Majesty's visit and delect the Thoughts of a Second Message. An Order having been made by her majesty's most excellent council, in pursuance of her majesty's pleasure to them signified, "That in the House of Peers with Thanksgiving to Almighty God, to be used in all churches and chapels within the realm, every year upon such day, & Week, (as on the day on which her majesty began her happy reign) in the House of the Commons—service, immediately after the reading of the Epistle for the Queen, to wit, the greatest of this church afterwards following be first said, "And that such blessings may continue to all ages, "and the queen, we pray thee, our happy mother of children, who, being educated in thy love and law, now happily succeed her in the government of these kingdoms." And in the course of the book of Common Prayer, and the above mentioned Form of Prayer and Thanksgiving, be printed but with this amendment."

Mr Watson, one of the lord Ruckingham, moved, "That an humble Address be presented to her majesty, that she would not suffer her majesty to be so pressed, but would have such indulgence to the happy desires of her subjects, to wit, the Thoughts of a Second Message." The motion being seconded by several other members, was unanimously carried, and a resolution appeared to draw up the said Address, which being agreed to by the House, and the Lords having given their concurrence thereto, was on the 22d. of January presented to her majesty, by the lord Chancellor, on the part of the House of Peers, and by the speaker of the Commons, on the part of their House, being as follows:

"Most gracious Sovereign;
We your majesty's most loyal and devoted subjects, the Lords spiritual and temporal, and Commons in parliament assembled, being infinitely sensible of the many and great favours we have enjoyed during the whole course of your majesty's most glorious reign, do most humbly conceive we should be continually waiting to ourselves and the whole nation, if we should neglect to use our most fervent endeavours, that their blessings may be poured down to future ages: and therefore, with deep feelings of the most profound respect and duty to your royal person, we most humbly beseech your majesty graciously to consider the several desires and most humble supplications of your faithful subjects, that your majesty will be so far to include your just wish, to declare the Thoughts of a second Message—We would be an acceptable joy to your people, who would give more than five hundred millions to Almighty God to bless your own

people with royal issue. All of these containing in that opinion, That no greater happiness can be desired for your kingdom, than that they and their children may long continue under the gentle and gracious government of your majesty and your posterity.

The Queen's Answer.] Her majesty's Answer to this Address was,

"The frequent marks of duty and affection to my person and government, which I receive from both Houses of Parliament, are ever to be very acceptable to me. The provision I have made for the Protestant succession, will always be a proof, how much I have at my heart the future happiness of the kingdom. The subject of this Address is of such a nature, that I am persuaded you do not expect a particular Answer."

Mr Speaker having reported this Answer to the House of Commons, they resolved to present another Address to return her grace Thanks for the same.

Mr Simon Harcourt's Speech on the Abolition of Slavery.] Mr Simon Harcourt having been returned for Abingdon, and John Black, esq. having lodged a Petition against him towards the latter end of the month, the merits of the cause were argued, resumed here on both sides, and the debate continued till two in the morning, when Mr Black carried it by a considerable majority, Mr Simon having first taken leave of the House with the following Speech:

"Whatever the determination of this House may be, this I am sure of, and it must be admitted, that I am duly elected for the borough of Abingdon, as ever any man was.—That it been the pleasure of this House to have continued the charter, under which this election is made, according to the natural and plain words of it, so the inhabitants have always understood it, so such a sense all former parliaments have frequently expounded it: had you declared the right of Election to be in those persons, who have without any corruption, carried it for 150 years, you could not have heard a member, that I had not the majority. Even as you have determined the right, my respect is still unquestionable. No gentleman, with reason, can dispute my assertion, whatever reason he may have to refuse me his vote.—You have been truly informed, the petitioners, on closing the poll, declared he did not come thither with any prospect or hopes of success.—So stupid then was I, as not to comprehend the meaning of those words, 'I would do him justice,' I really believe he himself was not at that time in the secret. Any opposition may give a handle to a person, no matter for the justice of it, power will run upon it. Whoever sent him on such an errand, what rancour and conceits this must be reflections of the then existing parliament? he must suppose them capable of the basest actions, of being used and abused by opposition for purposes, and to pervert their consciences at the word of command. Had

there been such a parliament closed, and I declared me duly closed, I should then have left my place with a resignation for the infinite trouble that had befallen me, whereas could have framed such a project to himself yet undoubtedly have wished me, perhaps have wanted such a parliament. He must have been a person, the more abundant speech in the world, who had long quoted all aspects of right and wrong, all state of truth and justice, of honour and conscience. Whatever his dark purposes were, it is our happiness and the honour's, that they were entirely disappointed in the choice of this parliament. I cannot directly point him out, but whoever he was, I have no such charity, as to wish to wish he may feel, and be truly sensible of the honour and impartial justice of a British parliament." [Here he summarily up the Roll on both sides, and then declared. That the counsel for the Petition had left him the majority of one vote, and had added several respectable votes to his own Roll.] "The Petition charges me personally with many indirect practices, but no attempt has been made to prove any thing at that kind. As for the indirect practices charged on my agents, I had no agents, I know of no opposition till the morning of the election, nor had the least apprehension of any. I thought no agent necessary to promote my interest, nor had I employed any person whatsoever to solicit for me, but, when solicitations, what reasons and promises, have been used against me, and by whom, are but too well known to me many."

Resolutions of Supply. Feb. 4. The Commons in a grand Committee went upon the further consideration of the supply, and resolved, 1. "That 200,000*l.* be granted to her majesty, to defray the charge of maintaining church and garrison in Great Britain, and for payment of arrears for the service of the year 1789, including 5,000*l.* to serve on board the fleet. 2. That 200,000*l.* be granted for the charge of the office of her majesty's exchequer, for 1789. 3. That 20,000*l.* be granted for the payment of one year's interest of the contracted debentures charged upon the Irish Exchequer. 4. That 5,000*l.* be granted for the charge of circulating the old Exchequer bills for another year. 5. That a Supply be granted to her majesty for carrying on the charge of the gold and silver of the kingdom." These Resolutions being on the 4th reported, were agreed to by the House, and a bill ordered to be brought in, for continuing the present rate for the discharge of the loans.

A Committee appointed to consider of Methods to put a Law in force against Profaneness and Blasphemy arising in the House. The same day, the Commons unanimously resolved, "That a Committee should be appointed to consider of methods for the effectual execution of the several laws now in force, for excluding from the House of Commons, officers and such as receive penance during pleasure, and to

report their opinion thereon to the House, which committee was appointed accordingly.

Mr. Worthy Member's Bill for Naturalizing Foreign Protestants. Mr. Worthy Member made a motion for the bringing in a Bill for the naturalizing foreign Protestants, in a long speech, showed the advantages which would arise, by such an act, and by pledging, among other particulars, "an example to the King of Prussia, who had accepted, but had not taken advantage of the offer, with many a smooth, or harsh promise, he had finished his speech before the proposed bill, and really, in my opinion, adding, that it might be more to strike under a dispute, whereas, as they found possession and encouragement they would undoubtedly be the more anxious to bring their effects, at least their persons into Great Britain, where they could enjoy the privilege of a free nation."

Mrs. Langdon and several other members backed Mr. Worthy's motion, and the House saying only, "That if such a bill be brought in, there should be a clause obliging to his obliging such foreigners, as should wish to enjoy the benefit of it, to prove an attachment according to the usage of the law of England," the House ordered the bill to be brought in.

While this Bill was depending, a paper was printed, and industriously dispersed, supposing 1. That the number of votes, as well as likely be the effect of such a law, was so dangerous to our constitution; for that it was an allegiance to their respective persons, and remain a hindrance for their future employment themselves, whereas a war should be brought upon so many good and honest. Besides this proposal, the petitioners and our established church and opinion were hurt, with design to hurt the nation. That a general naturalization would probably spread an universal dissent and sedition throughout the nation; that having more and complaints and commotions in Great Britain, no attention to foreign affairs; the danger of union, and the danger of dissent, might prove to them a terrible curse; for they would not only be excluded at elections, but some of the best members of parliament; have all the places of trust and authority, which is not of to it, might endanger our present political government, and, by frequent intestine, go a great way to shut out and estrange English men. 4. That numerous naturalizations by act of parliament were seldom made, but upon special reasons, and for particular occasions. And that we have given encouragement to foreign dissenters and dissenters to settle here; it was a great wrong, and other inconveniences, considerable to the advancement of the protestant religion, and that from the petitioners, in all acts of parliament for such

fugues were reckoned to have done two million sterling in the government. That as they could not be supposed to have brought one half of that money into England, so it was probable to direct the thoughts they might have upon the conclusion of the war, to carry their vast gains abroad, (which would very much lessen the current cash and credit of Great Britain,) by granting them the advantages and privileges enjoyed by her majesty's natural born subjects; which would not only secure them in settle here, but likewise bring over such of their friends and relations as might hope to inherit their estates. That the French refugees had, at all times, in their several stations and callings, given signal proofs of their love for our happy constitution, and of their zeal and affection for the government, and in particular, such of them as had military employments, which they had discharged, both in the late and present war, with distinguished bravery and conduct. That they now had already recruited such a vast number of men, that it was highly necessary to supply that loss by moving foreigners to come over, whether the war continued, which would still increase the scarcity of men; or whether it was drawing to a period, in which case a great number of hands would be requisite to carry on the manufactures. And in short, that all the objections against a naturalization was, grounded upon the false supposition, 'That foreigners' would ever become so, and be bred up as 'such,' which was universally confuted by past and daily experience.

When those who were against the Bill perceived they should have no strength, if they did themselves directly to oppose it, they wanted to least strength in the recessing the Government, to the way of the church of England. They probably would not have hindered many, who were otherwise disposed to come, coming in; for the much greater part of the Protestants came into the way of our church. But it was thought best to cast the door as wide open as possible, for encouraging of strangers, and therefore since, upon their first coming over, some might choose the way to which they had been accustomed beyond sea, it seemed the most as they method to admit of all who were in any Protestant Commonwealth. Accordingly, the Bill was carried in the House of Commons by a great majority, for maintaining all Foreign Protestants, upon their taking the oath to the government, and receiving the Sacrament in any Protestant church. All those that appeared for the comprehension was, were reproached for their coldness and indifference in the concerns of the church. Of this the Bishop of Salis had a large share. For, when the Bill was brought up in the Lords, he spoke especially for it; whilst the bishop of Chester spoke as passionately against it, who seemed resolved to distinguish himself as a malice for that which was called High Church. The Bill passed with very little opposition, though it was protested against by several lords, as prejudicial to trade and manufatures, and of disadvantage to our liberties and religion.

Resolution of Supply. Feb. 1. The Commons in a grand Committee, considered business at the Supply, and resolved, "To grant, by 1,400,000^l 6s. 4d. for maintaining the fleet in her majesty's pay, to serve in Spain and Portugal for the service of the year 1700, and finally, 144,000^l towards defraying the charge of transporting that fleet." Which sums were agreed to the next day with 11th, as a Committee of the whole House, was resolved in grant to her majesty, the said sum, 144,000^l for her majesty's purposes of the Subsidies payable to her after, pursuant to the treasury for the service of the year 1701. And finally, 310,740^l 7s. 11d. to defray the extraordinary charges of the war already incurred, and not already provided for by parliament, which Resolutions were likewise agreed to by the House the next day.

Proposals of the Bank of England to the Commons. The Funds already laid scarcely allowing one half of the necessary sums for the service of the year, and the Commons being somewhat puzzled about Ways and Means to raise the rest, the Ministry brought themselves to encouraging the Bank of England, to lay the following Proposition before that House.

"To the Honourable the Commons of Great Britain, in Parliament assembled

"The Governor and Company of the Bank of England humbly propose, That they would lend of 100,000^l per annum, payable on the 1-1st of the 1st of August, 1701, they are contented after that time to increase 10 per cent. per annum, for their original stock of 1,200,000^l together with 5,000^l per annum towards their charges of management before and during use of the said fund. After the payment of those being a remainder of 21,000^l per annum, on the said fund, they are ready to advance 100,000^l at such times as shall be agreed upon, at 6th per cent. per ann. long as the said fund, from the 1st of August, 1701, they have lent to the Public. That they be continued a corporation, with the full and perfect rights to them, for the term of 21 years, from the said 1st of August, 1701, all the powers, privileges, and immunities now enjoyed, by virtue or in pursuance of any act or acts of parliament, touching the said fund, by parliament or by any statute, and in payment of the 150,000^l loan, at such times as shall be agreed upon to be repaid, and all manner then due upon that loan, interest, and other parliamentary duties, and

"They are content to take in a sum of 10 per cent. per annum payable on the 1st of the 1st of August, for all the bills that have been made out of which, for any amount of interest to be paid on the 1st of March next, are to be made in pursuance of the act of parliament

power and direction be given for raising the Exchequer-Bills, quarterly for as much as the said allowance for interest and circulation shall amount unto, and that the said quarterly bills, hereafter the like allowance as to the interest and circulation from the respective times of their being issued forth, and have the same currency as the public revenues, and be also chargeable upon the same circulating bank; and be as all requests circulated upon the same terms and conditions as the other Exchequer bills, so the said bank as possessors of the properties of the said government and company, shall, like towards raising a sufficient fund or funds for the paying off and converting, at some certain time, the Exchequer bills to be circulated by the governor and company of the Bank of England in order to her majesty's supply for the service of the year 1700, that every or half part of the said bills of ten pounds and penance, and other duties and sums of money payable upon wares, goods and merchandise imported, which were granted to his late majesty King Charles II. for his life by an act of parliament in the 12th year of his reign, and which by several subsequent acts have been granted to continue till the first day of August 1714, shall be further continued from the first day of July 1714, and be payable, in his majesty, her heirs and successors forever, so that the same and all advantages thereof (not already appropriated by any former act or acts of parliament in that behalf) shall be made subject and liable for, as towards the payment of 500,000*l.* per ann. to be appropriated and applied for, and towards the paying off and converting the said Exchequer-Bills until they shall be wholly discharged, the said 500,000*l.* per ann. to commence from the time that the same ready, or so to be made upon an act at the 5th year of her majesty's reign, and charged on the said half yearly, and other duties therein mentioned and all the interest thereof shall be applied, That the excess or surplus which shall, from time to time arise, of and from the other money or half part of the subsidies of tonnage and poundage and other duties and sums of money payable upon wares, goods and merchandise imported, which were heretofore granted in the 12th year of the reign of King Charles II. and which, by several subsequent acts, had continued until the first of August 1712, for the purposes therein mentioned: And by an act of the 6th year of her majesty's reign, were further continued for the term of 10 years from the first day of July 1712, the payment of monies, not exceeding 80,000*l.* per ann. to such excess or surplus, by a clause in the said act of the 6th year of her majesty's reign was contained to be disposed for the public use and service, and not otherwise) and all advantages in the said half yearly and duties not already appropriated, or to be applied by any act or acts of parliament in that behalf, shall also be made subject and liable for or towards the payment of the said 500,000*l.* per ann. for converting and discharging the said Exchequer-Bills as aforesaid, 24th. That the

excess or surplus which shall from time to time arise, as well by the duties of excise, tea, duties, spirit, picture, molasses, drugs, tin, wax, and tallow, as by the two third parts of the subsidies of tonnage and poundage, shall be liable to the payment of the said excess or surplus, to be paid per ann. to commence, convert and circulation of the said Exchequer-Bills, after the same duties and revenues shall be made subject and liable for the said (which excess or surplus of all the monies, to be paid,) due discharging or paying monies to discharge the said advantages, as aforesaid, 5 per cent per ann. or thereunto, as allowed by made subject and liable for the said the payment and making good for 10 and 500,000*l.* per ann. for converting the said Exchequer-Bills aforesaid 24th. That at the end of any year, after the time when the said 500,000*l.* per ann. to commence the said it shall appear that the funds are insufficient for that purpose. Then, and when, there such deficiency shall and may be made up out of the produce of these funds in any subsequent year or years, in which the year to be an average, to be applied for, as to the making good of such deficiency. And 2d. That the duty upon the importation of any of the produce of Great Britain, and all heres were made here to be taken off." Which Resolutions being the next day reported, were agreed to by the House, and a bill ordered to be brought in upon them, and the order was agreed to three days before.

A Bill for carrying into Execution the Treaty of Commerce [The same was before a Bill had been brought into the House of Commons "For the Expatriation of Tobacco and its Commodities, and Manufactures of the growth and produce of Great Britain," the said which was, to exchange Tobacco for Wine: But the Portuguese Ambassador being by a Memorial represented to her majesty, and by word of mouth, to several lords within doors, That the bill was contrary to the alliance between her majesty and the King her majesty and it being considered by the that the said exchange would redound to the advantage of France, and to the benefit of certain persons in Great Britain only. After the bill had been twice read, and considered by the Committee of the whole House, the same was put on the 14th, that the whole House should then resolve itself into the said Committee, which being then carried in the night the bill was discharged, by passing of the consideration of it for a month. And on the 16th, a bill was ordered to be brought in.

"For the more effectual prohibiting the importation of Foreign wares, and all other commodities of the growth and produce of France." *Bill for preserving the Privileges of Antiquaries*.] The deficiency of the late in the case of Foreign Monies, is apparent in the case of the House of Commons, a Bill was brought into the House

The preserving the Privileges of
and other Foreign Ministers"
the Imperial and Spanish courts,
a copy of it, recommended it to
the Prussian Ambassador, as
the most of so far before the service
the most observations on the Bill, as
the most important. "That the principle of
the particular indignity
the Prussian Ambassador, and his
accepted and taken out of his reach by
the Bill, for in contempt of the protection
of his dignity, without taking notice
of the reasons on which the privileges
of Ambassadors are founded, and which is im-
possible to all municipal laws; and
1. that they moved, that in the preamble
the Bill should be added, 'Contrary to the
the Privileges, and in prejudice of the rights
and privileges, which Ambassadors, and other
public ministers, authorised and received as
such, have at all times been thereby possessed
of, and which ought to be kept sacred and in-
alienable.' 2. That, in the Clause for pre-
serving of the Privileges the saying, arriving, or
residing of Public Ministers, it should be
made criminal to alter them any mode or ill
consequence. 3. That their equipages, goods,
and other effects, of what nature soever, ought
them to enjoy the same protection, with their
persons and servants, and not be seized or
seized in any pretence. 4. That their houses
ought to be frequented and defended by military
men, or militia, or other officers of justice, al-
lowed to enter the same. 5. And that foreign
Ambassadors, and other ministers, ought to en-
joy these privileges from their first coming into
the Kingdom, till they are out of her majesty's
dominion, even after they have had their audi-
ence, as long as they retain their charac-
ters." The substance of the Memorial be-
ing communicated to the Committee, in which
the Bill was referred, they reported the first
amendment in the preamble, but did not think
it in season the other particulars, and
the Committee having reported the several
amendments made to the bill, the House added
thereon, "That no person should be proceeded
against for having crossed the service of an
Ambassador, or Public Minister, by virtue of
warrant, where the name of such servant be first
returned to the office of one of the principal
secretaries of state, and by such secretary be in-
serted in the journals of London and Halloway,
and shall hang up the same in some public
place in that office, &c." and ordered the
Bill to be engrossed. The foreign ministers,
being then presented a copy of the last clause,
and another assembly at Baron Spach's
house, at which the Earl of Sunderland next
day represented to him, "That the enact-
ing law of foreign ministers servants was a
very important in other courts, and liable to
be in a controversy; and desired thereby,
that the last clause should be added to the number of

persons appointed by this bill, to take cogni-
zance of the offences committed against the pri-
vileges of Foreign Ministers, and to select such
punishments, as they shall judge fit." But the
parliament did not think fit to make any more
alterations in the bill.

[Bill against Public Beggars.] The Com-
mons being informed, that the business of laying
Wagers about the events of war was grown to
such an height, that many arbitrary powers were
used by it, and that the most crying in these
beggars maintained disorderly correspon-
dences abroad, which might be of dangerous
consequence to the government, a Bill was
brought in, which passed both Houses, and ap-
proved the royal assent, in pursuance the laying of
Wagers relating to the Public.

[Amendments respecting Nova and St. Chris-
topher.] March 14. The House of Com-
mons, in a grand Committee took into considera-
tion the Report of the Lord High-Treasurer,
made upon the Address in last session, relating
to the people of Nova and St. Christopher, and resolved, "That it did appear that
the Losses they had sustained by the late com-
merce of the French, did amount to upwards of
200,000*l*. 2. That it would be for the advan-
tage of the trade of Great Britain, that the in-
habitants of the said islands be enabled to com-
mingle there." These Resolutions, being on the
15th reported, were agreed to by the House;
and at the same time a motion was made, that
a Supply be granted for enabling the said in-
habitants to settle in those islands; which
on the 21st, in a grand Committee, was carried
in the affirmative. And on the 25th, likewise
in a grand Committee, it was resolved, "That
the sum of 100,000*l* 1*l* 4*d*. be granted for the
use of such proportion or inhabitants only of
Nova and St. Christopher, who were suffered
by the late French invasion there, and who
shall settle, or come to be settled there
plantation in the said islands." Which Resolu-
tion was, on the 6th of April, reported, and
agreed to by the House.

[Proceedings on the Bill concerning Trade of
Towns in Scotland.] The consideration of
the state of the nation, with respect to the
late invasion gave occasion to a bill concerning
trade of towns in Scotland, under the title
of "An Act for improving the Trade of the
two Kingdoms." This bill created very great
and long debates, arising from the proceed-
ings against the suspected persons in Scotland,
and particularly from a trial of some gentlemen
of that kingdom, who had left their homes,
when the Pretender was on the sea, and had
gone about armed and in so secret and suspi-
cious a manner, that it gave great cause of
jealousy. There was no clear evidence to
convict them; but there were very strong, if
not violent presumptions against them. Some
facts in the trial had not been observed, which
the criminal court judged were necessary, and
not to be dispensed with. But the queen's
advocate, Mr James Stuart, was of another
mind. The court thought it was necessary

by their lives, that the names of the witnesses should have been reported to the prisoners 12 days before the trial. But the queen's advocate did not comply with this, as to the chief witnesses, so that the court could not hear their evidence. He did not say that there was a delay, and therefore the trial went on, and the witnesses were reported. There was opposition passed between the queen's advocate and the court. They complained of one another in the court, and both sides justified their complaints in print. Upon that it appeared, that the laws in Scotland, concerning Trials in Cases of Treason, were not fixed nor certain. For which reason a bill was brought into the House of Commons to settle that matter; but which so much opposed by the Scots members, that it was dropped in the committee. It was taken up and managed with more zeal by the Lords.

It consisted of three heads: all crimes, which were high treason by the law in England, and these only, were to be high-treason in Scotland. The manner of proceeding settled in England was to be observed in Scotland; and the pains and forfeitures were to be the same in both systems. The Scots lords opposed every branch of this act. They moved, that all things, that were high-treason by the law of England, might be considered as the act, for the information of the Scots nation; otherwise they must study the book of statutes, to know which they were safe, and when they were guilty. To this it was answered, that direction would be given to the judges, to publish an abstract of the laws of high treason, which would be a sufficient intimation to the people or barons in the matter. That answer would by that means be in a much safer condition than they were now, for the law they had, made no conclusion such general words, that the judges might put such constructions on them, as should serve the ends of a bad court, but they would by this act be restrained in that matter for the future.

The second head in this bill concerned a much longer debate it changed the whole method of proceedings in Scotland. The former way there was, the queen's advocate signed a citation of the persons, setting forth the special matter of high treason, or what they were accused. This was to be delivered to them, together with the names of the witnesses, 10 days before the trial. When the jury was assembled, no answering charges were allowed: answers were to be offered with every challenge; and, if the Court allowed these, they were to be proved immediately. Thus the matter of the charge, which in those called the relevance of the fact, was to be argued by lawyers, whether the matter, suppose it should be proved, did amount to high-treason, or not. This was to be determined by a verdict of the Court, called the interloquency, and the proof of the fact was not allowed to be made. Of that the jury had the cognizance. Certainly the hardest way was

the majority, the number being always fixed by a law act, the verdict was to be given by the consent of two third parts of the jury. In this manner, the law did not limit its judgment to a certain form, but they could signate the punishment, or moderate it, according to the circumstances of the case. All the second way to be set aside: a grand jury to find the bill; the judges were only to sit in law proceedings, and to declare what was law, and the whole matter of the fact was to be left more to the jury, who were to make the finding, and all to agree in that trial.

In one particular the terms of these regulations were preferable to those in England, the positions of the witnesses were then said by word of mouth, but were now set on paper that more signed by the witnesses, did more convince the jury, and these were a part of the record. This was very well received, but the jury, by this way, was more readily persuaded of the evidence, and the matter was more clearly declared and positively: whereas the manner in England was very delicate, and gave too light to some who perjure themselves.—The Scots by this alteration of their way of proceeding, intended, that neither the judges, the advocates nor the clerks, would have leave to extort a trial of witness. They intended more to be having the names of the witnesses to begin in the process some days before the trial: it seemed reasonable that a man should not be brought to witness against him that he might accuse him self, and no ill words might be given to him. On this point, it was said, that would upon a due practice, when upon the witnesses to make them, in making any other witness to be lower them. To this it was answered, the guilty man knew what could be brought against him; and, without such notice, would not use the methods possible to defend himself. He proposed ought to be made for witnesses whose chief guilt might be a good state, in which a fortunate might have an eye, or therefore such persons ought to be warned of. This was otherwise so much so that it was only desired that the names of witnesses, who had given evidence to jury, should, upon their finding the verdict in the prisoner five hours before trial. Upon a division of the House on this question, the votes were equal; and by the vote of the House, that it was the negative party, it was lost.

Upon the third head of the Bill the great trial manner. In Scotland many were settled by long entreaties and prayers, and therefore it was said, that some of the Article of the Union, all persons were still preserved, as before could on these witnesses. Bishop Burnet says farther, he thought that it was just not reasonable to set the king begging for their father's heads: that when, during their life, and

itary effect. 3. The possibility of this evil may happen to give unnecessary grounds of suspicion, to mistaken people, that there is a tendency towards a total alteration of the laws of Scotland, which cannot but cause great uneasiness to that people, who regard as a constitution, that their present laws were secured to them by the Articles of the Union, so as never to be altered without their consent. 4. The people of Scotland. 5. It does not appear to be necessary, that new courts and jurisdictions should be created in a country where the courts of judicature were to be preserved in the exercise of their authority by the Articles of the Union, though it might be thought reasonable, that the same facts and offences might be returned against and prosecuted in various, and that the parliaments might be likewise the same; and we do humbly conceive, that the continuance of Oyer and Terminer may be continued as preserving the authority of the courts of judicature in Scotland, and the entire alteration of the methods of trials may render it very difficult to prosecute any person for the crimes of treason, and very insecure for the people, who are to make their defence by unknown methods. 6. The general description of treason in this act, without specifying what the particular facts that shall be accounted treasonable, or the particular laws to be established in both Kingdoms, is a just exception against the bill; for it would have been a great satisfaction to the people of North Britain, if these laws had been reviewed in a parliament where their representatives might have had time to have examined the reasonableness of them, and had a share in the passing them; but the executing all the laws of England, without entering into any detail or consideration of them, may cause great uneasiness. 7. The present laws of Scotland, in relation to the forfeitures, ought to have been considered as established upon solid solid foundations; they were settled upon the transfer of the crown to King William, and accordingly passed into the laws of that time, which the subjects might well conclude they should never be deprived of. But the provisions in this act relating to marriage settlements is only a remedy in part, and not a share of the provisions made on behalf of the subjects in that reasonable and happy Revolution, which so much improved the constitution of both Kingdoms.—*Lord, We conceive, that whereas the qualification for a jurymen to be sworn upon the peace is by this act altered to the possession of 40s per annum, it ought to have been kept up to what the law of England now stands in that, which is, that the jurymen be sworn of 100 per annum in his own right, or that of his wife. (NAMED) Buckingham, Arundell, Rawlinson, Sewell, Cowford, Davis, Manners, Gifford, Donogh, London, Delap, Rother, Greenough, Rothergh, G. Burton, Mear, Pennington, Wemyss, Isla, Mearns.*

The Queen's Speech, by Lord Commissioners at the Close of the Session } April 24: A Speech

of the Lord-Commissioners, and the Lords House by the Lord-Commissioners.

"My Lords and Gentlemen: Being, at the Queen's pleasure, to put an end to session, we have it in command from her Majesty to assure you, her Majesty is very sensible of the great and efficient assistance for her service—and support to her people, and of the profuse and dispendious nature of this session.—The reports and fees of your proceedings have already had a good effect on them abroad, and it is agreed to hope, that by God's blessing, her Majesty's endeavours, that will every day appear more evident.

"Gentlemen of the House of Commons: I am to return you in particular her Majesty thanks, for your having provided an ready assistance the supplies found necessary for prosecution of this war, with an increase of these forces, which is comparable to what, her Majesty, by God's assistance, present the present advantages over the common enemy.—Our diligence in giving such large supplies to the war, and the ready assistance which have been made for their being effected with so little burden to the people, shew perfectly understand how to make a right use of our past successes, and thus saving a great deal of blood and treasure, and otherwise, being so to have of so good a cause.

"My Lords and Gentlemen: her Majesty through the whole course of her reign, has been desirous to show all possible civilities and civility to her subjects, but for the strengthening the Union, and putting the minds of all her subjects through the United Kingdom, thought fit to grant them an Act of Grace and Free Pardon, in more full and beneficial manner than her Majesty used; not doubting but all her Majesty will make a right use of, and suitable to their past law, to contribute to the peace.—Our Majesty, having also been very pleased to give the royal warrant to send bills you have presented during this session, commands us to observe to you all together, that the life and benefit of all her Majesty's subjects are increased, it is a desired regular execution of it, and therefore is what you, that when turn to your country, you would think indispensably your duty, to act a good towards an impartial and steady of the many good laws which have been (especially since the late Revolution) and bill within your power to increase, but too evident, that the defect of a trusting us, is not so much the want of as the neglect and despatching them made."

Then the Lord Chancellor read, "My Lords and Gentlemen, it is her Majesty's pleasure that this parliament be

The Committee on several
 Mr. Joseph A. Bell's house, in order to
 the Articles of Impeachment; so then,
 having been met again after Christmas,
 it was reported, that the Articles were
 which were read paragraph by paragraph.
 As to the Articles being read, it is not
 exactly the intention of the act, that the
 all be recommended, with the committee
 warm debate, whereas Mr. Wells of
 Mr. Brewster, Mr. Wood, and some
 made several proposals, as to the version
 of the Articles. Mr. Clarke, in particu-
 lar, insisted on the leaving out the word
 "and," alleging a prece-
 dent Charles was in the preparation of
 from, Hancock, and Barlow. But all ob-
 jections were answered by Mr. Secretary Bayle,
 the South, Chancellor of the Exchequer, hon-
 orable Member, Mr. De la Roche, Mr. Thompson,
 and some others. As the question for re-
 considering being put, it passed in the negative
 by a majority of 122 against 101. And the Ar-
 ticles of Impeachment were agreed to, and ad-
 journed to be carried up to the Lords. Then the
 last paragraph or resolutions were also read
 and agreed to, and the whole ordered to be re-
 considered.

Article of Impeachment against Dr. Sachse.—January 12, 1910. The approved Amending Bill, Mr. Doberman was ordered to read the act to the Senate, which he did orally, accompanied by a great number of members. The read Articles were as follows:

deputies elected by the Knights, Clergy, and Burgesses in Parliament assembled, in the name of themselves and of all the Commons of Great Britain, against Efforté, Esquierre, Thacker, and Divers, as maintainers of their Imprisonment against law, for the Crown and Majesty.

"Whereas Justice in Jesus King William the
Third the prince of Orange, did, with an
invincible, invincible a glorious enterprise,
delivering this Kingdom from popery and
despotic power; and drove subjects of this
King, who allowed to their country, power and
liberty in his subjects in the said enterprise;
and having pleased Almighty God to crown
his reign with success, the late happy Revolution
take effect, and was established; And
the said glorious enterprise is now being

sharing of them, both by the guests,
 solitary members of parties,
 and our poor friends with nothing.
 "I will take the steps in which they
 bear me, and the entrance by
 And all who were believed,
 to begin those that answered
 I really exposed Dr. Barker and
 we, who had used in the heart,
 and his eyes as their own. Many
 were present, both as I said and
 was, to provide the people, in which
 they succeeded beyond expectation." (Times)

by several acts of parliament, and, amongst others, by an act made in the first year of the reign of King William and Queen Mary, intitled, 'An Act, declaring the Rights and Liberties of the Subject, and settling the Succession of the Crown;' and also by one other act, made in the same year, intitled, 'An Act for securing the Succession to the Crown, made and passed in order to the bringing in their majesties, or for their service;' and also by one other act, made in the same year, intitled, 'An Act for appropriating certain duties, due to the Crown, to the better supporting the said Majesty's Majesty the Queen General of the United Kingdom these charges for his majesty's expenses into the Exchequer, and for other uses, and the savings of the said well-affected subjects, in and pursuant to the said enactment, as also declared to have been necessary, and that the same ought to be passed: And whereas the happy and blessed consequences of the said Revolution are, the enjoyment of the rights of God's true religion established among us, and of the lives and liberties of the kingdom, the raising her majesty's Protestant subjects in interest and affection, by a legal subjection to the laws granted to them, the preservation of her majesty's sacred person, the safety and civil and hereditary from her majesty's love and glorious administration, and the prospect of happiness to future ages, by the continuance of the Succession of the crown in the Protestant line, and the Union of the two kingdoms: And whereas the Lords spiritual and temporal and Commons in Parliament assembled, did, by their Address, of the 25th of December in the first of our Lord 1704, lay before her majesty the following Verse, or Declaration; viz. 'That the Church of England, as by law established, which was rescued from the imminent danger by King William the first, of glorious memory, is now, by God's blessing, under the happy reign of her majesty, in a most safe and flourishing condition; and that wherever goes about to suggest and insinuate that the church is in danger, under her majesty's administration, is an enemy to the queen, the church, and the kingdom;' and, by their said Address, did humbly beseech her majesty to take effectual measures for making the said Verse or Declaration public, and also for punishing the authors and spreaders of such wicked and scandalous Reports; and on the 28th day of the same December, her majesty was pleased to issue her royal Proclamation accordingly; yet, nevertheless, the said Henry Sacheverell preached a Sermon at the assembly held at Drury, August the 18th in the year of our Lord 1709, and afterwards published the same in print; in a declaration thereof. And the said Henry Sacheverell, also preached a Sermon at the cathedral church of St. Paul, before the lord-mayor, aldermen, and citizens of London, on the 5th day of November last, being the anniversary Thanksgiving to Almighty God, for the deliverance from the Conspiracy France, and for beginning the late happy Revolution in Great Britain, and in the said

maintenance of their
 but for High Crosses

or

and, saying to him-

the surprise to the soul

and, certainly, and

and, not being pop-

or want of form, in this

first, on the request of

the high sheriff of the

the 21st day of the

and, at the close of the night

Curlew, have had much of

he also preached a sermon

and church of St. Paul, before the

and the discourse, and con-

on the 1st of November last

and Sermon to be pre-

that he preached, or caused

printed or published, with any

and address, name, or

of the said Articles is referred

and Henry Sachsewell having been

the sermon, he preached at

of the goodness of the

and, to whom he had

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joy's Declaration, which is referred to, and
 verbatim set forth at the bottom of the same
 page, in which the said Henry Sachsewell's
 declaring any such intention

" Whether the said Henry Sachsewell was
 in such, or not, is expressing himself, as if
 the late King had disclaimed any intention of
 resistance, when he, the said Henry Sachsewell,
 meant thereby, that the late King dis-
 claimed the capability of a design of conquest
 he humbly conceived, such a suggestion, by his
 plainly designed for the honour of the late
 King, cannot, in any reasonable construction,
 be thought a reflection on his said Majesty, or
 imputed any crime to his Majesty

" For the further justification of what the
 said Henry Sachsewell said, in conformity to his
 late Majesty's having disclaimed any the least
 intention of resistance, the said Henry Sachsewell
 humbly observes, that in his late Maj-
 esty's Declaration the following passages are
 contained: ' We have thought it to govern in
 England, and to carry over with us a peace,
 and union, by the blessing of God, to defend
 ourselves from the violence of civil wars.'
 ' We think it to declare, that this war
 is intended for no other design,
 but to have a free and lawful parliament es-
 tablished'

" As to the last charge in the said Article, the
 said Henry Sachsewell denies, that he did so
 in his said Sermon suggest, and maintain, that
 in support resistance to the said Revolution is
 just black and odious colour upon his late
 Majesty, and the said Revolution. The persons
 whom the said Henry Sachsewell, in his Ser-
 mon, describes, as doing black and odious
 colour upon his late Majesty, and the Revolu-
 tion, are not those, who oppose resistance
 to the late Revolution, of whom the said Henry
 Sachsewell affirms nothing, but those new
 preachers, and new politicians, who teach, as
 contradiction to both gospel, and the laws, that
 the people have the power vested in them, the
 resistance and original of it, to control their
 legacies at their pleasure, and to call their
 sovereigns to account for high crimes against
 his Majesty, say, and to deride, and murder
 him for a criminal, as they did the King of Switzer-
 land, by a judicious sentence; who are enemies
 of all monarchs of all men, and of all reason-
 able persons, or are by the laws of the church
 and state condemned for rebellion and high
 treason, and who urge the Revolution as the
 basis of such principles. And therefore those
 who oppose resistance to the Revolution, be
 the same with those new preachers, and new
 politicians, above specified, the said Henry Sachsewell
 affirms nothing concerning them.

" The said Henry Sachsewell, upon the
 matter is set into his said Sermon, preached
 at St. Paul's, does not find, if it be black upon
 any the least colourable pretence for the revolu-
 tion, maintained against him in the first Article,
 but barely by his assuming the title of legality
 resistance to the supreme power, upon any
 pretence whatsoever; for which assertion, he

heavily concerned, he took the authority of the Church of England, which in several passages of her homilies, two laws, and two canons, is to be later specified, but by the said Henry Sacheverell readily to be produced, both might and incited to the discourse, as founded on the word of God; particularly in the second part of the *Homily*—“*That the Church of England*—”

“*Heavily concerned, he took the authority of the Church of England, which in several passages of her homilies, two laws, and two canons, is to be later specified, but by the said Henry Sacheverell readily to be produced, both might and incited to the discourse, as founded on the word of God; particularly in the second part of the Homily—*”

“*Which said Book of Homilies is affirmed, in one of the Thirteen Articles of Religion which concern the Institution of the true Christian Faith, to contain a godly and wholesome doctrine, and is ordered to be so read in churches by the ministers diligently and devoutly, that they may be understanding of the people.*” And the said Henry Sacheverell, in further manifestation of the said doctrine and position contained in the Books of Homilies, and of the authority of those books, with, that, by an act of parliament made in the fourteenth year of the reign of queen Elizabeth, enacted, “*An Act for the Ministers of the Church to be of sound Religion;*” it is enacted, “*That no person should thereafter hereafter take any benefice worth more, except he should first have subscribed the said Articles, in the presence of the ordinary, and publicly read the same in the parish church of this town, with declaration of his religious assent to the same.*” And that, by an act made in 5th year of her present majesty’s reign, enacted, “*An Act for reform, the Church of England as by law established;*” it is enacted, “*That the said act made in the 13th year of the reign of queen Elizabeth should remain and be in full force for ever, and be inserted in express terms in any act which should be made for rectifying the Union of the two Kingdoms of England and Scotland, and therein recited as to be an essential and fundamental part thereof.*” And the said act was accordingly inserted, in express terms, in an Act for the Union of the two Kingdoms, and thereby rectified, and declared to be an essential and fundamental part thereof.

“*And the said Henry Sacheverell doth further heavily insist, and is advised, that the aforesaid doctrine is agreeable to, and warranted by, the common law of England, and drawn into of parliament now remaining in full force.*”

“*The said Henry Sacheverell doth, with all humility, aver the dignity of reason, on any pretence whatsoever, to be the doctrine of the Church of England, and to have been the general opinion of our most learned and able doctors, from the time of the Reformation to this day. The doctrine teach, in the most*

where manner, been taught and maintained by our best and most learned writers. This hath been of long application of each House of parliament and proved, and, in many more than any need by the said Church, both, by our right reverend and learned, and our learned

“*And the said Henry Sacheverell doth further insist on the premisses, of the institution of the Supreme Pontifical day of November; because in the Church constitutions are from the institution of the Pope, and hence, the institution of the Supreme Pontifical day was originally a doctrine; for which reason, as he is concerned, the nature of the office appears that day by her late majesty’s grace (the late deceased) doth, that, when that there be no session, shall be read, the said Session cannot be held.*”

“*While doctrine the Church of England by law established, as in words and by our doctrine, under the majesty’s happy memory, under Pope’s reign, we great Protestants condemned and all rights the laws of this nation our right full force and vigour; the said Henry doth, with humble hopes, that a distant Church, among Protestants, shall do as just to her majesty, shall a remedy, the doctrine of a reformation of the said Pavers. But if the doctrine be distant, and it should please God that we were for asserting it, he trusts, the people here to show the said doctrine, by a mark and point of religion, wherein shall be all in a vision.*”

Answer in the second whole “*To that part of the second Article of charges, that he, the said Henry Sacheverell, doth suggest and maintain, that the said Henry Sacheverell doth, with all humility, aver the dignity of reason, on any pretence whatsoever, to be the doctrine of the Church of England, and to have been the general opinion of our most learned and able doctors, from the time of the Reformation to this day. The doctrine teach, in the most*

to them enjoy it as the fullness of the law as prescribed."

"It thus he saw other expressions concerning toleration, which may seem to carry a double sense in any other parts of his Sermons; intimating that they will not be applied to the examples granted by law, but will be interpreted applicable to the avowed approbation of that law.

"And to each part of the said second Article, whereby the said Henry Sacheverell is charged, 'That he is a false brother, with a view to God, Religion, or the Church, who defiles toleration and liberty of conscience;' he, the said Henry Sacheverell, saith, 'That he having so plainly declared himself in favour of the exemption granted by law, when he blames those who, upon all occasions, defend toleration and liberty of conscience, cannot be thought to reflect on the defenders of that legal exemption or indulgence which he himself approves and defends.' He does indeed suggest it to be one part of the character of a false brother, upon all occasions, to defend 'all men in and liberty of conscience; and, to maintain the separation, by the fact upon the members of the Church, for carrying matters 'too high.' Which universal defence of toleration, and excuse of separation, attended with the losing the rank of such separation upon the members of the Church, are by law justly censured in one and the same clause of this statute, and is set out in the same branch of the character, so that this reflection does not extend to all who defend toleration and liberty of conscience, much less to those who defend the exemption granted by law to Protestant dissenters, but to such only, who, at the same time they defend universal toleration and liberty of conscience, do also excuse the separation, and by the fact charged upon the true men of the Church, for carrying matters too high; and those to do them, and such doers, with all honesty, deserve to be justly blameable; and, if members of that Church, to be false brethren.

"And as to that part of the second Article, whereby the said Henry Sacheverell is charged with saying, 'That queen Elizabeth was deposed by archbishop Grindall to the toleration of the Geneva discipline;' he, the said Henry Sacheverell, saith, he heartily conceives, with great satisfaction, from the histories and monuments of those times, for such opinions, be, whether he hath, or hath not, he heartily apprehends such opinions to be no proof of his maintaining, or suggesting, that the exemption of Protestant subjects, dissenting from the church of England, from the penalties of certain laws, granted by an act made in the first year of the reign of king William and queen Mary (which exemption he supposes to be intended by the legal indulgence or Toleration granted to dissenters, mentioned in the preamble of the Articles, and by the Toleration granted by law, mentioned in the second Article) unreasonable, or the dispensing of it unreasonable, or the dispensing of it

that there is a wide and manifest difference between a toleration of the Geneva discipline, and an exemption of Protestant dissenters from the penalties of certain laws; between a toleration allowed merely by the royal power, and an exemption granted by act of parliament; which exemption he is so far from thinking unreasonable or unreasonable, that, from the bottom of his heart, he wishes it, under the same restrictions and limitations, extended to all her majesty's Protestant subjects throughout the whole kingdom of Great Britain.

"And as to such part of the second Article, whereby the said Henry Sacheverell is charged with 'scurrilously calling the said archbishop Grindall a false son of the church, and a perjured priest;' he, the said Henry Sacheverell heartily hopes, that any harsh expressions he hath used, concerning that prelate, may be rather excused; because the said archbishop, having persecuted dissenters to be tolerated on the church, did thereby incur the high displeasure of so good and pious a prince as queen Elizabeth, by whose order he was suspended, and continued under such suspension to the day of his death. However, the said Henry Sacheverell professes, that no words spoken of an archbishop, about 150 years since deceased, will, in construction of law, amount to an high crime and misdemeanour.

"And as to such part of the second Article, whereby the said Henry Sacheverell is charged with maintaining, 'That it is the duty of superior powers, to thunder out their ecclesiastical censures against persons related to the benefit of the said Toleration;' he, the said Henry Sacheverell, saith, 'That he doth not maintain, or suggest, that it is the duty of superior powers to thunder out ecclesiastical censures against persons related to the benefit of the Toleration;' which persons, where he speaks of such offenders, are neither by him mentioned nor intended. But if the expressions, by him as applied to any, must be determined to any one sort of persons, he heartily conceives, that if a connection of his doctrine will determine them to those schismatical and factious persons, who take pretence for power, and advance toleration immediately into an establishment; and such schismatical and factious persons, he heartily apprehends, are not the persons related to the benefit of the act of exemption, which was designed only to give some ease to scrupulous consciences, in the exercise of their religion.

"And as to the last part of the second Article, whereby the said Henry Sacheverell is charged with 'scurrilously daring or defying any power to censure or punish such persons;' the said Henry Sacheverell saith, that the sentence, which he, the said Henry Sacheverell, dares any power on earth to reverse, is such, and such only, as is backed as heaven; and such sentence he will offend to be by any earthly power reversible, and hopes, it will not be thought insolence in him to affirm, what, he maintains, would be blasphemy in any one

to deny; and such further acknowledgment himself ready to make, that as he sometimes, procured by the powers of the church, are judged as heretics, and that some persons, expelled from communion by the particular laws of the land, may yet, by the laws of Christ, be justly liable to such censures; and that schism, is a necessary separation from a church, supposing no civil terms of communion; it is so, which exposes the persons, guilty thereof, to the censures of the church.

Answer to the Third Article

And as to so much as the third Article, in charge, the said Henry Sacheverell, that he doth solemnly and religiously suggest, and assert, that the church of England is in a condition of great peril and adversity under her majesty's administration; and that, in order to arrange and blot out the said Vote and Resolutions of both Houses at parliament, appeared by her majesty, he, in appearance thereto, doth suggest the church to be in danger; the said Henry Sacheverell doth, that he hath solemnly asserted, he suggested, the church of England to be in a condition of great peril and adversity under her majesty's administration; but he doth freely acknowledge, that he hath in his Sermon suggested, that, when national sins are repeated up in a full assembly, to call down vengeance from heav'n upon a church, and kingdom, debauched in principle, and engaged in sinners; and, instead of the true faith, discipline, and worship, given over to all impieties, both in opinion and practice, in all morality, hypocrisy, lewdness, and adulation, then we (that is, evidently, all the members of such a church, or kingdom) are in danger in such deplorable circumstances. and this suggestion of danger, arising to a church, and kingdom, from vice and infidelity, he solemnly professes, is not opposite to the Vote of the two Houses, or sedition, but is truly agreeable to what is solemnly declared as an act of parliament, made the 9th and 10th of his late majesty king William the 3d, for the more effectual suppressing of blasphemy and profaneness, wherein it is affirmed, that many persons had of late years openly uttered, and published, many blasphemous and impious expressions, contrary to the doctrines and principles of the Christian religion, greatly tending to the dishonour of Almighty God, which might prove destructive to the peace and welfare of the kingdom; and he saith so, that, since the passing that act, the detestable crime (for the effectual suppressing of which that act was intended) hath greatly increased. And the said Henry Sacheverell saith, the suggestion, by any mode, of danger arising to us from vice and infidelity, he apprehends to be in no wise more sedition, or opposite to the Vote of the two Houses, approved by her majesty, than the like suggestion, concerning the solemn prayers of the church, authorized by her majesty, and frequently used before each House of parliament; wherein we have heard God, that go praying, may detect the

state, our actions distract the church, and that he would give no ground, whereby to be least the great dangers we are in by our hasty decisions.

And as to so much of the said third Article, whereby, it is charged, that the said Henry Sacheverell, as a parallel, mentions a law, in the person of king Charles the first was made to be not of danger, at the same time, that his resolutions were comprising his church, then, wickedly and maliciously representing, that, members of both Houses, who passed the said Vote, were then comprising the ruin of the church; he, the said Henry Sacheverell, saith, that he doth not draw any parallel between the Vote concerning the king's person, and the late Vote of the two Houses, which he saith there, nor elsewhere, in his Sermon; meaning that had he suggested any Vote to be passed to the other (which he hath not) yet would not have shown wickedly and maliciously represented, that the members of both Houses who passed the late Vote, were then comprising the ruin of the church; but would only have intimated, that, as some persons were, concerning the members of the house, whose resolutions were going to their wicked intentions, and his person to be out of danger; so, the two Houses saved the church of England in no danger, under her majesty's administration, there might be some others, who, comprising the ruin of the church, and others, who, by their vice, and wickedly, comprising down God's true presence both in the church and kingdom.

As the Vote of both Houses, made five years ago, did concern those only, who did for instance, the church of England in danger, under her majesty's administration; it cannot be presumed, when those, who then suggested, the Christian faith, which is Sacheverell, upon which every Christian should stand, to be endangered by those sedition and wicked principles, which are thereby the great propagated amongst us, notwithstanding the promise, made by the said act, for punishing blasphemy and profaneness, for the said Henry Sacheverell thinks, that might with truth affirm, as he did in his Sermon, preached at Derby, that there were some such outrageous blasphemers against God, and all religion, natural, as well as revealed, and publicly, with impunity, among Christians in the kingdom, in the whole world, so as it was not one; of which expression the said Henry Sacheverell is ready to produce individual and simple proofs, if called thereon.

Answer to the Fourth Article

As in the said Article; it concerns charges of a very high and criminal nature, which the said Henry Sacheverell hath been to be solemnly asserted, and he is with content, that, whereas in the former Article he is said to have maintained, and asserted to have suggested, the said charge therein laid to his charge; fourth Article, he is not opposed of any

his liberty of suggesting, what is
likely. And he heartily hopes, that
no circumstances, could they
be of probability be made out, in
which they cannot, will out, under
a just and prudent government (for a
general one has here been made
in the liberty of the subject), by
the exercise of discretion, of justice
and liberality, be adopted sufficient to involve
in English subject: the good and punishment
of high crimes and misdemeanors.

In the several parts of the said Fourth
Article, the said Henry Sackville doth, in all
things, answer, as to each part thereof,
whereby it is charged, "that the said Henry
Sackville, in his said Sermons and Books,
doth openly and wickedly suggest, That her
majesty's administration, both in ecclesiastical
and civil affairs, tends to the destruction of
the constitution;" &c. the said Henry Sackville
saith, "That he hath not made any sugges-
tion, in either of his Books or Sermons, of her
majesty's administration, or ecclesiastical, or
civil affairs, or of her majesty." So far is he
from suggesting, that her majesty's adminis-
tration, both in ecclesiastical and civil affairs,
tends to the destruction of the constitution,
that, against the monstrous blasphemy which
was used in our deliberations usually con-
sidered on the 4th of November, he
returns this to be our, "That her majesty,
a good and pious relict of the royal family,
as her majesty upon the throne of her na-
tional and pious, that God may long pro-
tect her, for the comfort and support of the
church, and godliness, that which he seeks,
proceeds from a tender concern for her ma-
jesty's person and government; And in the
defense of his said Sermon, preached at
St. Paul's, solemnly declares, in his del before
his discourse, "That his only aim and inten-
tion was, earnestly to counsel for the safety,
right, and establishment of her majesty, in
agreement with those of the church."

And as to each part of the said Fourth
Article, whereby it is charged, "that the said
Henry Sackville doth suggest, That there
is a set of characters and stations in the
Church, who are like brethren;" the said
Henry Sackville saith, That the false brethren
as described in him in his Sermons, are
not the same as the propagators false doctrine; or
the upholders of the discipline and worship of the
Church; or who are like a scandal in religion;
but all in the Church of England,
ready to maintain their persons and
rights in her constitution, but do not share
in the Communion of the Church, as
well as in obeying her precepts, as well
as in the Church. These being the several
sets of false brethren mentioned by the
said Henry Sackville; if he should have sug-
gested, that there are sets of characters and
stations in Church and State (such as he
returned to the highest characters and
stations, in which the dispensation of the

brethren, in some one or more senses of that
word as by him interpreted, doth belong, he
heartily hopes that such suggestion would not
be deemed false, malicious, or highly criminal.

And as to each other part of the said
Fourth Article, whereby it is charged, "that
the said Henry Sackville doth suggest,
"That there are sets of characters and stations
in the Church and State, who are like brethren;
wicked, and ungodly, and heretic, and do
encourage, and put it into the power of others,
who are professed members, to overturn and
destroy the constitution and establishment;"
the said Henry Sackville doth say that he
suggests not such things concerning sets of
characters and stations in Church or State,
where he speaks of those, who resist, an-
demean, and betray, and encourage, and put
it in the power of our professed members, to
overturn and destroy the constitution and es-
tablishment." These sets of characters and
stations are not mentioned by him; and where
he mentions sets of character and stations,
reads pages & forwards, the only place where
he mentions them, that he speaks nothing
of weakening, undermining, and betraying, or
of encouraging and putting it in the power of
our professed members, to overturn and destroy
the constitution and establishment; and hopes,
therefore, that he shall be no ways answerable
for a suggested influence, which depends upon
the suggestion of passages to widely distant
from, and so late relating to, each other.

The wickedness, ungodliness, and heresies
of our constitution, and the encouragement, to
have the said Henry Sackville doth in any
part of his Sermons refer to, he promises, upon
a candid examination, of those passages, ap-
pear to be one of those three sorts of persons;
either, first, such as, by their writings, endeav-
our to subvert the foundations of our Church
and State, or, secondly, such, whether writers
or others, who are for a latitudinarian, hetero-
doxous mixture of all parties, of who infect
both parties, mixing only in protestantism, a lack
would let into her bowels those, who neither
believe her faith, nor her means, subject to
her discipline, or comply with her laws,
which he afterwards takes the model of an
general excommunication; or, thirdly, those nominal
conformists, who have to be eluded the Com-
munion and Test-Oath, by their plausible
hypocrisy, as to have undermined the founda-
tions, and endangered the government, by fill-
ing it (as far as they could) with its professed
members, that is, with themselves. If all these
and their encouragement, the said Henry Sack-
ville confesses himself to have suggested, that
they do, in his opinion, weaken, undermine,
and betray the constitution. But that order
there, or these suggestions, are sets of charac-
ters or stations in the Church or State, he hath
not anywhere suggested.

And as to each other part of the said
Fourth Article, which charged the said Henry
Sackville, "with charging her majesty, and
the Church in gathering under her, both in Church

And a collection was made at passages in books, full of crude impiety and bold obscenity. This gave great offence to many, who thought that this was a solemn publishing of no such impiety to the nation, by which their consciences would be done than by the books themselves: for most of them had been neglected, and known only to a small number of those who encouraged them, and the authors of many of these books had been prosecuted and punished for them. As to those parts of the Sermon, which set out the danger the church was in, though both Houses had some years ago voted a great offence to say it was in danger; the Doctor's counsel might have been in some fear years ago, when those votes passed, and yet he now is danger, the greatest of all dangers was to be apprehended from the wrath of God for such impieties. They said, the reflections on the administration were not meant of those employed immediately by the queen, but of men in higher posts. If the Doctor's words seemed capable of a bad sense, they were also capable of a more innocent one; and every man was allowed to put any construction on his words, that they could bear.

When the Doctor's counsel had ended their Defence, he concluded himself with a speech, which he said with words bold freely in which, with many solemn assurances, he justified his intentions towards the queen and her government. He spoke with respect both of the Revolution and the Protestant succession. He insisted most on condemning all a prince under any promise whatsoever, without assuming the exception of conscience wronging, on his counsel had done. He said, it was a doctrine of the church, in which he was educated; and added many pathetic expressions, to move the audience to compassion. This had a great effect on the weaker sort, who's presence those, who knew the state and his ordinary discourses, with horror, when they heard his words so many falsehoods with such solemn appeals to God. It was very plain, that the speech was made for him by others, for the style was more correct, and far different from his own; and it was thought to be the joint work of Dr. Atterbury, Dr. Houghbridge, and Dr. Friend, improved and corrected by Mr. James Harris and Mr. Phipps.

During the Trials the mistakes that followed him all the way as he came, and as he went back, shew'd a great concern for him, pressing about him, and striving to hear his words. And when the queen went, on the afternoon of the day on which the Trial began, to the House of Lords, to give the royal answer to some bills, a great multitude of people gathered about her sedan, crying out, "God bless your majesty" and the church "we hope your majesty is for Dr. Sacheverell." The next day the mob was still more numerous and louder about Dr. Sacheverell's coach, and obliged all persons they met to pull off their hats to him, and shew'd those who refused to comply; among whom were some members of both Houses of Parlia-

ment. The next evening the dress made by Mr. Daniel Barrington's meeting-house, in a long coat Lincoln's-in-the-field, of which they took the workmen, and committed several alterations upon and disorders. Their very intimacy with their members, they advanced to great excesses, and even to attempts of violence. For, after they had attended upon Dr. Sacheverell as usual, they repaired to their meeting-house again, broke it open, pulled down the pulpit, pews, benches, in short, all that was combustible; and having carried these away, took into Lincoln's-in-the-field, made a kind of them, with repeated cries of High Church and Sacheverell. About the same time, the party of the mob demolished and destroyed several other meeting-houses. They also burned and plundered the houses of several persons; threatened to pull down the house of the Lord Chancellor, earl of Wharton, bishop of Sarum, Mr. Dolben, and other members of the Commons against Dr. Sacheverell; and talked of destroying Mr. Lloyd's church-house, Whitehall, Mr. Mordaunt's, and of turning horses in the city, and even attacking the Bank of England, of which the persons being apprehensive, they took the necessary precautions for its security, and sent a Whitehall for assistance. These disorders were checked by some of better fashion, who believed the mob to be party-sectarian, and were some sending messages to them. Upon the first notice of their tumult, the earl of Sandwich made his report to the queen, who commanded him to send her horse and foot-guards to disperse the mob; and the earl returned in the strength of leaving her person exposed at that time (a being between ten and eleven o'clock at night) she answered, "God would be my guard." The earl being returned to his place at the Cockpit, where were also the Lord Chancellor, the duke of Newcastle, and some other noblemen, he sent for captain Honyman to report, who then commanded the mob, ordered him to march immediately, and pass over the mob. And as the captain was going, the mob surrounded him, and led him and a party to the Bank. Before the hour of four guards could march towards the Cockpit, when they were ordered to march, the mob had notice, that the mob which had shew'd there, was returned to Down-street where they were seeking another leader in the furniture of Mr. Kay's carpenter's shop; upon the guards knew their march that way. At their approach most of the mob fled before them, and only one of the mob, George Finkins, a bricklayer (who had been a bill-gardener, but was then some mechanism) offered to make a way with a few of the most resolute of his fellows, crying out the High Church and Dr. Sacheverell. From Down-street the guards marched towards the city, and met with some mob near Fleet-street, from the mob that went the meeting-house in Black-Friars, but surrounded some of the most daring, and others, the mob were dispersed.

in such impeachments?" After some debate, the Lords resolved to demand the judges, who very readily delivered their unanimous opinions, "That, according to law, the grounds of an indictment or impeachment ought to be expressly intimated at least." Those, who were the prosecutor, Dr. Sacheverell, were not a little surprised at this unforeseen difficulty, which was of no less consequence, than to retard the whole prosecution, and to make it necessary for the Commons to begin anew, which they could not expect to have time to do. But it being suggested, that the judges had delivered their opinion according to the rules of Westminster-hall, and not according to the usage of parliament, the Lords at last resolved, "That in impeachments they were to proceed according to the laws of the land, and the law and usage of parliaments;" and, upon searching the Journals of the House for precedents, they found a parallel instance to that of Dr. Sacheverell's Impeachment, which was that of Sir Marmaduke or King Charles 1's reign, wherein the words, by which he was impeached, were not expressly intimated in the Articles. Whereupon it was voted after some debate, "That by the law and usage of parliament in prosecutions by impeachment for high crimes and misdemeanors, by writing or speaking, the particular words, supposed to be criminal, are not necessary to be expressly specified in such impeachments;" against which Resolution many Lords entered their protest.

Debate on the Lords on the Articles of Impeachment. March 16. The question went in favour to the House of Lords, where a motion being made to reject, "That the Commons had made good the first Article against Dr. Sacheverell," a warm debate arose.

The Earl of Macclesfield, who spoke first, said, "There is a different strain between the Doctor's Service and his speech; the speech is full of audacious and condemnation of the Service. All he has advanced about non-resistance and voluntary obedience, is ridiculous and false; as is also his disparaging in the office of the Revolution, in which there was necessary assistance in the resolutions began at Exeter, and in the raising of York and Oxford gales, and breaking the bridge. The doctrine of passive obedience, as proved by the Doctor, is not rememberable to the posterity of churchmen. If the Revolution is not lawful, many is that House, and most members without, were guilty of blood, murder, rapine, and robbery; and the queen herself is no lawful queen, since she has not the law on the crown, was her parliamentary or bifounded on the Revolution."

The Lord Mansfield spoke as follows.

"My Lords, When I consider where this impeachment first began, I cannot but think the design of it was very good; but whatever errors, in its first introduction, it is very evident, it has already produced very mischievous effects; it has created great dissensions in private families, and raised a ferment in the nation, that

will not be laid by your lordships' judgments that be what is well. It has been a divided council, giving the church on the one side, and the dissenters on the other, too just pretences, that they are both in danger. It has been a divided council, when your lordships have been told, by some of the managers, in a particular divine right of the clergy, or otherwise has been more than heard by the members of the House of Commons, that the clergy ought to be directed by the civil power, that doctors they should teach—say, who they have authoritatively taken upon themselves Scripture, and charged it as a usurpation manner, that he had wronged some places of it to his own wicked intentions."

"My lords, After so noble a defence made for the Doctor by his counsel, and so great moving an apology by himself, I should not trouble your lordships upon this occasion, nor it not seems to justification of myself, but if judgment I shall give, than for the sake of the Doctor, whose cause, I think, now stands very much in need of it—I was, my lords, a sufferer in the last reign, as well as others; I was in the Convention-parliament, and in the vote of Abolition; and say, at the day, the same principle I was then; and yet, notwithstanding this, I am not ashamed to say your lordships, that I think myself obliged justice, to oppose the Doctor from the day brought against him in this Article. Though this may seem strange to most of your lordships, yet, I hope, it will not appear very strange, as to see lordships vote against their own doctrines, and themselves to the suit of a such that are pulling down others; especially after the manner I offer to your lordships for the support of opinion."

"I shall not trouble your lordships the original of government, or the descent of it; your lordships heard that learned counsel on by one of the managers of the House of Commons, below but these things, my lords, that, if my memory serves right, that government created, and it is matter too, that I take to be all the consequence to any government whatsoever, mean, the Divine Appointment, or Institution of government itself from which appointment it is, that men are obliged to obedience to magistrates, not only for wealth, or fear of but for conscience sake, for dread of a law punishment, which is the greatest of the magistrates law. And I the rather do, because of reasons that some people of late advanced of their own, (and have their advantage too in so doing) of a voluntary obedience only; that is, in my whole the government is no more, they fear it, and think themselves bound the longer. It is not necessary to the proof Divine Authority, so in the just place, when, and where, and how the badge of it was first communicated to it is enough, that we have it in our

clearly declared, as can be put
it is so.—There is another
thing, that, in general, I would men-
tion, before I come to the
point, which may otherwise be the on-
ly point made in this debate. The
judging according to our prin-
ciple, as it is, or as it should be, is
a strange rule of judgment, to find
the mistake of one's principle
for the establishing a doctrine
and his neighbour does not
question his a year's change, it
how far, the House of Commons
and their change against the Doc-
tor, the liberty is my plainly so
that in my opinion, they have
not been making good their change
in this article.

My lords: To prevent the least mistake,
I shall read the words of the Article to your
lordships, as they stand in the Impediment:
'In the said Henry's bequest, as his said
bequest preached at St. Pauls, doth suggest
and contain, that the necessary means used
'towards the said happy Revolution,
were done and argued with that his late
majesty, as his declaration, declared the
said suspension of resistance; and that to
bring assistance to the said Revolution, it
was not meet, and without advice upon his
majesty, and the said Revolution.—The
Doctor, in this Article, is charged with having
maintained, that the necessary means used to
bring about the late happy Revolution, were
done and expeditious. To support that, the
Gloss says, that having asserted the gen-
eral proposition of the unlawfulness of resist-
ing the supreme power, and not having ex-
cepted the particular case of resistance that
was made use of, as a reason to bring about
the late happy Revolution; he does thereby
advise upon the means, and upon the said
Revolution. In answer to this, there have been
two things moved upon to your lordships, in
behalf of the Doctor, by his counsel: first, that
there is such a nature in this, the exception is
always implied in the general rule—and there-
fore a very unreasonable restraint brought on
proof of it, as how to move of your lordships
in the said Allegation to bring James?
—and that such that such, next, it is general
—and yet, such an extraordinary case as
the Revolution was excepted, though not ex-
cepted by those that took that oath. The next
was, the Doctor, as they would have been
judged, must have had his consent of all the
judges, if exception, which extraordinary cases
are to move for themselves, whenever they
are moved.—And though, my lords, these two be
said things, yet there are two things more, I
think, with resistance, may be added to it,
which have not yet been taken notice of.
The first is, my lords, that the proof against
the Doctor is drawn by consequences of the
Common's own making, which he himself de-

clares—and I appeal to that renowned and
learned Bench, who are great masters of con-
troversy, whether it is not an established rule
among all learned men, that have the least
spark of argument, that no one ought to be
charged with consequences, let them appear to
be contrary next to clearly and undeniably
to follow from his assertion.—Is it then
advised these consequences? This is no known
maxim, as all disputes between Protestants
and Papists, and between Protestants them-
selves, that it cannot be denied. Now, the
Doctor himself saying, as he does, that he
had the least thought of including the Revolu-
tion under his general charge, or that he
applied his doctrine of non-resistance to that
case, cannot, without the highest injustice, be
charged with consequences, which he himself
avoids down.—In the next place, it is im-
possible, in my opinion, to prove, that resis-
tance was made use of as a means to bring
about the late happy Revolution, and conse-
quently, is not within the Doctor's general
reason. 'Mean,' my lords, is a relative term,
and refers to some end: and the end and
design of the prince of Orange is coming
hither, and of those that joined him when he
was here, being to have the ancient and rightful
succession restored by a free parliament, it
follows, that whatever their was, at that time,
made use of, could not be made use of as a
means to bring about an end which was unex-
pected. For he it from me, my lords, to
leave this great undertaking to deliver us from
Popery and arbitrary power! And though the
glory of that enterprise is wholly attributed to
King William; it is certain, his present ma-
jesty had her share in it, however that infor-
gotten. So, my lords, to move, that had not
our majesty concerned in the undertaking of
the prince of Orange with her assistance, in
my opinion, the success had been very dubious.

Now, is it possible, my lords, to imagine,
that it was ever the design of her majesty, or
those that joined the prince of Orange, to
take the crown off of King James's, and put
it upon King William's head? No, my lords;
the sacred great design was quite otherwise,
so appears by the declaration itself, which
was read before it was to receive and secure
our laws, from the violence that had been made
upon them by arbitrary power: it was to secure
that right, that all the world knows, the prin-
cess had in the succession of the crown, and
to have every thing settled by a free parlia-
ment, and not to make a Revolution, by de-
stroying King James. That the prince himself
says, when he says, in his declaration, he had
no other design is coming hither, but a free
parliament.

My lords, I take it to be of more dangerous
consequence, to judge any man by suggestions
and insinuations. For what will be said to justify
it, it shall never be the rule of my judgment.
Groundless suggestions, my lords, have within
my memory, been the pretence of power, to
cover illegal oppressions, with the show of

remains to the public. I will give your lordships but one instance of it. It was the case of a renowned prelate, now in the House; I mean the archbishop of York. His grace was then Dr. Hays's only. It was in the year 1686, there was an order, directed by way of letter to the metropolitan bishops, to discharge all the sacred clergy from preaching upon controverted points in divinity; they thought it saved the danger of popery then to suffer men to know they should preach, which was in effect, to bid them to defend their religion. This precedent was taken from an order in queen Mary's time, says a printed account, when, at the same time, it was intimated by the Roman prelate with all the rage they were capable of, and the people's rancour and clamours were joined by authority. Denouncing this order, the Doctor took occasion, as to me of her grace, to vindicate the Church of England, as opposite to the errors and corruptions of popery. But this, by the courtiers, was interpreted such the same way as the Doctor's sermon is now, to be endeavouring to bring, in the words of his hearers, an ill opinion of the king, and his government, by insinuating fears and doubts were to dispute them to discontent and to lead them into schism, disobedience and rebellion.

"My lords, when the Houses and Archbishops, when all many archbishops and bishops, and the universities, and most of the foreign divines too, (especially the Lutheran) have asserted the same doctrine of non-resistance to the supreme power, as Dr. Hayswell has; I think it the rarest case in the world, that this unskilful gentleman should be singled out, and made a criminal and a kind of martyr, enduring the trial of cruel mockings, yea, moreover of bonds and imprisonment, for asserting the same doctrine. It is true, Bona, and Parua, and some others of the Catholics, are of another opinion; but it is known that Parua's commentary on the 12th of the Romans, was burnt at Oxford, by the order of king James I, for asserting that doctrine.

"But there is one thing, my lords, to be attending in this prosecution, that I cannot but take notice of. Those who were at such a minute of the Revolution knew how dangerous on the one side, all that were friends to king James were, to put his leaving the nation then upon the foot of force and resistance; as thinking this the strongest and best argument, to justify his withdrawing himself from his people. They needed their brains to find out arguments to convince men, that his life was innocent, his danger by staying here, and that it was for the sake of that, and his glory, that he was forced to withdraw; and that his withdrawing was just, being an act of necessity, and not of choice.

"On the other side, those that were friends to the Revolution, made it their business to persuade the world that all this was but a subtle well laid snare, and that the last was quite otherwise: that the people and commons

king James had of what he had done, upon him rather to throw all the guilt than dispute with a free parliament. This was the only foot; and that it was made out upon the foot of restoring the government by parliament; if any man does, it appears in the papers that were then sent, in which it is plain, on the subject. This is, it is very strange to me to give an opinion in more notions of things; and that after our constitution has maintained itself on this foot, against all danger and attempts to have been made upon it, for above 80 years, that any man, and that party, who are resolved to place the Revolution there upon James's voluntary desertion, should now, without any reason, give, in for changing that foundation, and to all they can, to get it upon king James's top of force and resistance. What my lords, we are endeavouring, after 28 years, to make king James's title better now, than any of his friends could make it then; will not only undo all arguments they never thought of, but impugning any that dare so much as question the truth and force of them? This, my lords, seems very strange.

"My lords, I cannot but take notice in your lordships of what was said by that noble lord Ashmole here; because, to me it appears to be a matter of the big consequence to the honour of her present majesty. He told your lordships, that the best title her majesty had to the crown, was her parliamentary title. I must make the liberty to affirm the same contrary, and that, in my opinion, the best title her majesty has, is her hereditary title; though I deny not, but that the act of parliament is strengthening and confirming of that title, yet I deny a parliamentary title to be the only or the best title that the queen has to the crown she wears. And in saying this, I do not but make some reflections of having a repeating regard to the title of any person on the other side of the water; for, in affirming, (as I now do in your lordships) that her majesty is by right and lawful queen, by right of inheritance, and as she is the daughter of king James the second, I do so in many words almost also, that there is no other power by right and lawful her to king James, but himself. And if the present impeachment of Dr. Sacheverell shall have this effect, (as I hope it will) to convince the nation of the unbroken truth of her majesty's right of inheritance to the crown, so shall now in indirectly appear, the security that will bring her majesty's person and crown and the succession in the Protestant line, and the dissolution of House of Hanover afterwards, shall prove with me ready to pardon any words and unguarded expressions, that the Doctor may here and there have dropped, and made use of in any of his discourses."

The Lord Francis Blount endeavoured to excuse the Doctor; altho' that the Bishop, for his conduct in his service; that

saying that plain manner of fact should ground such a solemn accusation. That if the Doctor, majority of some foolish, unguarded expressions in words to have been used in Westminster-hall: but his lordship declared, whatever was the subject, words there would be a better matter to correct him. He was invited by

The Earl of Scarbrough, &c. &c. The Doctor was a great point, and above the law, and moved, that they should adjourn the debate, and retire to consider, before they passed judgment.

The Lord Haverham having reflected on some bishops voting contrary to their doctrine,

The Bishop of Oxford, (Dr. Talbot,) made the following Speech:

"My lords, Some of this bench are extremely pulled up, by words which fell from the noble lord who spoke there in this debate, who was pleased to mention among other strange things, 'Bishops voting contrary to their doctrine.' The opinion of several of the learned prelates have been read before your lordships in Westminster-hall: they were first quoted by the counsel for the defendants, and by their order read in such a partial and unfair manner, that I may be allowed to use any other method after the same way, to take a solid perception out of his book, and not consider the coherence or dependence of the words here it may be explained or limited in other places, to read just so far as they serve my purpose, and stop a line, say, they follow that way to the matter in a just light, I dare undertake to make up another speech on which one side of the question I please.

"But the managers for the honourable House of Commons did justice to their learned prelates, by showing the dark to read other passages in their books, which clearly explained their opinions, and as the only purpose that was evidently served by producing those quotations, was that which I fear was intended, the withdrawing those learned prelates from the uncharitable suspicion of having married a doctrine in their writings when they had contracted by their profession, obedience to the Bishops and the government founded upon it.—I hope to be able to reconcile the vote which I shall give, with the opinion which I have always been of, and which having not been produced before, I stand up to give it your lordships here, being far from intending, far from entertaining the least dissipated thought of any that shall differ in opinion from me.—I own the subject now in debate, is a matter of great consequence, and of great rarity and uncommonness: and that he, who should presume to condemn your lordships upon it, ought to be better qualified, and better prepared than I am in other respects, but I will give place to some in whose due notice, you

are placing myself with that respect and deference which is due to this House, that have his difference which becomes a just consequence of my own weakness, and that pleasure and society which becomes that character, which however necessary of it, I have the honour to love; and then I conclude I must repeat upon your lordships leave, health, honour and peace, that if any thing should fall from me less correct, or less guarded than it ought to be, it shall receive the most favourable construction that it is capable of.

"Hence I deliver my opinion, I beg leave briefly to state the question, and in order to that to lay down two premises.—1. That government in general, was its original constitution, designed for the good of the whole body: men were not bound into servitude, only to be the subjects of the arbitrary will, the absolute dominion in the governing the subjects of other corrupt designs, of any one or more men; but for the safety and prosperity of the whole community.—2. That as the Holy Scriptures for far as I can fully claim a no specification of any one particular form of government in which all nations and bodies of men, in all times and places, ought to be subject: wherever such state, according to the spirit as the spirit of the governor as obedience and submission of the governed, as far as to all cases that may possibly happen.

"There are no general precepts requiring the obedience and submission of subjects to their governors: 'Let every soul be subject to the higher powers, for as without needs be subject not only for wrath, but also for conscience sake, for that reason create the Ordinance of God, and submit yourselves to every human constitution for the Lord's sake; for—But yet, these Scriptures do not tell us how far we must obey, and be subject, nor do they necessarily imply that there can never be any cases wherein we may not obey and not be subject, but submit, because there are other places in scripture, where other duties are required in terms as large and general as these, say in universal terms, which yet must admit of exceptions.—Some as the most ancient constitution for the absolute power of the prince, and unquestioned submission of the subject, found themselves very much upon the fifth commandment, Honour thy father and mother, which they expanded as comprehending political as well as natural parents, and I do not govern it; but then pray, my lords, let us see in what terms the duty of children to their natural parents is required in scripture, Children, says the Apostle, obey your parents in all things, the expression is surely universal enough; and from hence according to some men's reasoning, I must believe, if children must obey their parents in all things, then they must receive laws.

"But will any body say, that without taking the universality of that precept, there may not be some exceptions and limitations introduced, both as to the nature and manner part of the disobedience? As to the nature,

no one will deny, but the command must be returned to facts of history; they are not to obey in all things absolutely, but in all things that are lawful and honest.—As to the passive part of the child's obedience, the calmness or non-resistance required, prout me to put a case. Suppose a parent in a pleasure, in a fit of tenderness or passion, drives his sword and attempts to kill his innocent son, and the son has no way to escape from being so obliged by his duty of not resisting, to stand still and let his father thrust his sword in his bowels? May he not, though he must still have a care of his father's life, defend his own? May he not put by the gun, grapple with his father and disarm him if he can? My lords, surely he may; that principle of nature, of self-preservation, will justify him in it, and then why may not the same law of self-preservation justify the political child, the body of the people, in defending their political life; in their constitution, against plans and wicked attempts of the paternal parent contrary to justice? And it is upon this point only that I shall state the question.

"I like often, that in all governments whatsoever there is an absolute power lodged somewhere. Much so, as I formerly observed, that power is lodged in the legislature; for which I have the authority of a great philosopher and statesman, as Thomas Hooker, who was Secretary of State to two princes King Philip 4. and queen Elizabeth. This is his book, the *Republican Magistrate*, in which is contained as it were in the Tenth page, in that chapter which he treats of our parliament and the authority thereof, lays down a distinction, 'The royal high and absolute power of the realm of England consisteth in the parliament' and giving particular instances of that power, among others mentions this, 'That the parliament gives laws of succession to the crown.'

"The executive power which is lodged with the prince; and I do readily allow that the prince is vested with the executive power, and all others lawfully command'd by him, acting according to their commissions, and within those laws, with the execution whereof he and they are respectively charged, are accountable; the power of the prince is absolutely and personally in him; as injuries to particular persons, whom they can have no redress by law, as in matters as they may have; as general mal-administrations, whereby the public may be greatly hurt, are justly any lawful subjects of his subjects, nor any thing less than a total subversion of the constitution.

"But if it is a legal monarchy, where such laws have been enacted by common consent of prince and people, as are to be the measures of improvement as well as of their obedience, that limit his power as well as secure their rights and properties, the prince shall change the form of government into an absolute tyranny, set aside those laws, and set up an arbitrary will as the rule of his; when the

case is plain, and when all applications and attempts of other kinds prove unsuccessful; when the nobles and commons join together in defence of their ancient constitution, government and laws, I cannot call them rebels. Allow me, my lords, to lay before you a few things in remembrance of what I have observed. And,—I I would hardly offer some laws, which I allow do not directly prove what I have said to be true, but they do prove it to have been the opinion of our princes, parliament, clergy and people in the reigns of those three great princes, queen Elizabeth, King James and King Charles I. I mean the supplications which those princes gave to the subjects of other countries that were renouncing their respective princes; and to enable them to do so, they had petitioned given them in parliament and courts, cities, and there were prayers composed and used for the success of their arms.—Surely, my lords, if those princes, parliaments, clergy and people had been of opinion, that the supplication of subjects against their princes, was an act lawful, but always against the relation; they would never by asking and receiving such petitions have made of themselves in the guilt, and exposed themselves to the dangerous consequences of such a sin. I mention not the particular stories, because they are better known to your lordships than to me, and because I doubt not but in the course of this debate, some lord or other will give a larger account of them, but I cannot forbear observing one thing relating to that occasion, which that prince, prince, and now glorified saint is Henry, King Charles I. gave to the Scotchmen, who were surely the subjects of the King of France; he ordered a fast by proclamation, and appointed a time of prayer to be done up for the blessing of God's blessing. It is highly probable that bishop Laud had a great hand in composing these prayers, he being then bishop of London, and a great favourer, and the archbishop of Canterbury, Abbot, at that time a deacon. But whatever composed them, I beg leave to read part of one of the petitions in that effect.

"O Lord God of hosts, that great victory is the day of battle, and deliverance in the time of trouble, we beseech thee to strengthen us, and to regenerate the hearts of thy servants in fighting thy battles, and defeating thy enemies that are among us, and in all thy beloved churches." It seems the reform'd churches were thought to have God's arm among them then, however they have been withdrawn. But that which I would observe from this passage is this, That neither that reformed king who commanded these prayers to be composed, nor the bishops who composed them, nor the clergy and people who used and joined in them, could do so without some other reasons ended these forces to the divine protection and favour, and as such as were fighting God's battles, if they had thought they were fighting against God in his viceroy, and as defending his cause if they believed they were renouncing his authority.

"I could produce several authorities, in support of what I have laid down, but I shall mention but one; it is in a book written principally on this subject, and the passage I shall quote comes home in point to the matter in hand; the book was written in queen Elizabeth's time; every one who is acquainted with the history of her reign knows what attempts were made by the pope and his party against her government and life, by excommunicating, deposing her, absolving her subjects from their allegiance, by raising insurrections and interdictions, by seditious papers and what not: And it is certain, that they were these wicked practices of the pope and his followers, and the doctrines by which they justified them, that the compasses of the Romanists which were then made, and other authors who then wrote about the power of the priest and the duty of the subject, had principally in their view. The book I mean, is entitled, *The true difference between Christian obedience and Unchristian Rebellion*. It is written by way of dialogue between a Christian, whom the author calls Theophilus, and a pagan whom he calls Philander. I beg leave to read a quotation out of it. Theophilus to the Christian says, 'I busy not myself in other men's commotion; as you (the prince) do, reader will I rashly pronounce all that unjust, to be rebels: Cases may fall out even in Christian kingdoms, where the people may plead their right against their prince, and not be charged with rebellion. Philander the Jew asks, as when for example? Theophilus the Christian replies thus, 'If a prince should go about to subject his kingdom to a foreign state, or change the form of the government from a monarchy to tyranny, or neglect the laws established by ancient consent of prince and people, to pursue his own pleasure; or drive and order others, which might be named, if the nobles and commons join together to defend their ancient and accustomed liberty, religion and laws, they may not well be accounted rebels.' This book is now, in the title page, to have been printed and allowed by public authority; was written by a great man, Dr. Wilson, then master of Winchester college, printed at Oxford by the University press, and dedicated to queen Elizabeth, and the author was afterwards made bishop of Winchester. I shall offer many other authorities, not from histories or pious books of the Church, but from men of letters and antimonarchical principles in relation to the state, but venerable names, and ancient to the ages they lived in, and such as will be remembered with honour as defending ours. But I am superseded in proceeding, and your lordships' trouble saved us leaving more particular objections to this passage, by what is provided by a new-read clause of good parts and learning, for enough from the suspicion of being prejudiced against the rights of prince, or partial to those of the people, I mean the revered dean of Carlsruhe, who in a Latin discourse preached and printed in the town upon the duty of resistance,

stating some cases of resistance necessary, and putting the question, Whether it may not be lawful for the people in such cases to resist? answers, 'Vix bene et graviter, &c.' That good and judicious man, says that he has taken great and useful pains in defining the rights of prince, and representing popular liberty, being considered that it is lawful? He adds indeed, 'whenever they have done right or wrong, let others judge,' and does suggest between opinion. But must he be granted, that such men be his disciples, men of probity and judgment, without interference of the rights of prince, and repression of popular licence, have considered that in cases of extreme necessity it is lawful for the people to defend themselves, I may comfort myself, if I can say my opinion, that I err in good company. But I humbly conceive I do not err, and that,

—3. For this plain reason, That if it is strictly unlawful to resist in any case whatever, even that as a total subversion of the constitution and laws, then there is no distinction of governments, of absolute, I mean, and limited; or if there be a distinction, it is a nominal one without any real difference; for what difference is there between a prince's claiming authority without law, and governing arbitrarily against law? He must having no laws at all, and having prerogatives laws that depend entirely on the will of the prince, whether he will observe one of them, or neglect them all, and if he does, the people must rule themselves?

"But, my lords, I hope and believe that there is a real distinction of governments, and that the subjects of all governments are not in the same wretched condition that those of France and Turkey are in. I hope we have not bought liberty so readily as was once done of government, that we are blessed with a constitution more happy than any nation in the world enjoys, that allows and secures to great, and, I had almost said, God-like powers and prerogatives, to the crown as any wise and good prince can desire, a power of doing every thing that is good and nothing that is ill, and at the same time secures most valuable rights and privileges to the people. What was our good prince would not rather choose to reign over his subjects, than tyrannise over slaves? To receive a willing cheerful obedience proceeding from the principles of gratitude, love, and respect as well as of duty, rather than a forced one, owing merely to a principle of fear, the principle from whence the Indians wring the evil spirits?

"My Lords, such a frame of government your lordships have received from your ancestors, and I hope and trust, that is granted respect to their memory, and in tender regard to your posterity, I say nothing at ourselves, my Lords; for as far as who have the happiness to live under the government of the best of Princes that ever have reigned a nation wish; for us, I say, most our government is arbitrary as any in the East, yet I should think our rights, liberties, and properties, and whatever

a most dear and valuable to us, as we do as if they depended entirely upon her majesty's pleasure will, as they are now they are secured to us by our laws, or sovereign's favour, if they could be made; but I speak in regard to those that are to come after us; and I do hope and wish, that as your lordships have retained such an insatiable relish for your government, you will transmit it inviolable to your posterity.

"My Lords, I fear I am just, but I must beg your patience a little longer, while I express my surprise and wonder that the doctrine of passive obedience and non-resistance, in the unlimited extent in which some explain it, is so diligently maintained, and so religiously pressed at this time. Passive Obedience, I own, when truly stated, is a truly christian duty, a perpetual duty as to the obligation, but occasional as to the practice of it. Now preachers do not usually, replacing the passing of active duties of more constant practice, lay out their time and labour in filling back pages of their discourses with various assertions and violent exhortations to the practice of an occasional duty, unless they have some new prospect of an occasion for the exercise of it. And yet, my Lords, has this our duty been, of late, more frequently and earnestly asserted and urged back from the pulpit and press, than all the other duties of Christianity: and what occasion for this does any one pretend to have as usual?—Can there be a wretch so abandoned, so lost to all sense of gratitude and every thing that is good, as to be capable of admitting a thought, that our gracious queen has done, is doing, or intending to do any thing, that may give her subjects occasion for the practice of this duty? has she not ever since her happy accession to the throne, composed, sanctified her own repose and ease to the quiet and happiness of her subjects? has she not clearly shown that she has nothing so much at heart, as the good and prosperity of her people, the true interest and honour of her kingdom, which she has carried higher than any of her royal predecessors ever did before her? has she not approved herself a true parent of her political children, by exercising as prudent a care of, and expressing on all occasions a regard as indulgence to them, as any natural parent ever did towards his?—all this then there be no occasion from the conduct of our prince, is there any reason from the behaviour of her people, that may justify the extraordinary and otherwise unreasonable and for her doctrine? do they (reverting such as the nation for this doctrine have wanted to depose her powerful reign at home, by rebellion and dangerous tumults and insurrections,) show any symptoms under her majesty's government, as such causes to threaten it all? do they not bless their glorious queen and God for her? do they not on all occasions express their grateful sense of the many innumerable blessings they enjoy through her administration? do not they constantly offer up their devout prayers to God for her long life and happy reign? do they not wil-

lingly pay their taxes for the support of her government, cheerfully accepted their burthen and blood tax in defence of it?—that they can be said for such a conduct, which can bring no other reward, certainly than to secure the reasonable pleasure of her people in the loss of every one, and preservation of their queen in the centre of her people. However, it is certain, that her subjects are sensible to, and against her, when she chide that it is necessary to press those servants upon them;—there is the people, when their patience was, unconsciously preparing them for sufferings?

"My Lords, I would not be thought to charge upon all that hold and assert this doctrine, the consequences which I may rank much nearer charge upon some of them;—I own such as do not share her majesty's title to the crown, but refuse to take the oath to her, or join in prayer for her, and have upon that account formed one of the most iniquitous schemes that ever was made to the Church; some of them have engaged religiously in asserting this doctrine; and one of them is a paper written in vindication of it, has not been afraid to nominate a parallel between the case of our country and the Promised Land, and that of Achan and Josiah.—Would suggestion that would make one tremble? What do these men mean? Any service to her majesty? No. The consequences as to them are plain. If we rest upon any occasion whatever, be civil, be religious, be sensible relations; then the Revolution was rebellion, and all that were concerned in it are involved in that guilt; then we have committed it a rebellion ever since; then if we would avoid darkness, we must repent of that sin; but there is another repentance without contrition, and if there must be contrition, they will tell you what that is.—I would charitably hope, that the unfortunate person now in judgment before your lordships, did not intend to carry matters so far. But I must say, his doctrine as he has stated and managed it, under his head of false friendship, with relation to the state, does give too great a handle for those that have such views, to suppose what he has said to their purposes.—The Gentlemen for her, have laboured to divide her against the Church in this Article, by producing a great many quotations out of the *Illustration*, *History*, and *Writings* of divines dead and living, whom the doctrine has been laid down generally. They all allowed that cases of extreme necessity were always excepted out of this general doctrine; and that though the exception was not expressed, yet it was always implied; and they allowed further, that the case of the Revolution was a case of such necessity: But her Majesty's subjects that is the case of their client? Thus they said, that those divines whom they had quoted, were never I said dealt with for asserting the doctrine in general terms, and the prince has rarely requiring the exception; then they asked why should the Doctor be charged for asserting the doctrine in general terms as others had done, etc. expressing the

and, the vacancy of the Throne was properly the thing; and therefore the mentioning secondary means, was more consistent in the Doctor; and he would not find him guilty for sometime, the reason, because the doctrine of resistance, which the Doctor had evinced, justified rebellion, murder, and all manner of crimes."

The Duke of Leeds, who spoke on the same side, made a very long speech, wherein he owned, "he had a great share in the late Revolution, but now, he never thought, that things would have gone as far, as to send the crown on the throne of Orange, when he had often heard say, that he had no such thoughts himself. That they ought to distinguish between Revolution and Rebellion; for Vacancy or Abolition was the thing they went upon, and therefore Resistance was to be forgot; but, had a man succeeded, it had certainly been rebellion; since he knew of no other but hereditary right." Upon this

The Bishop of Salisbury (Dr. Burnet) made the following Speech.

"The counsel for the prisoner did so plainly and fully yield all that any loyal subject has ever pretended to, that in cases of extreme necessity, self-defence and resistance were lawful, and that this was the case at the Revolution; that it may not be necessary to say any thing further on this head, if it had not been that the audience that brought me to carry this matter much further, and that the prisoner himself allowed of no exception, in cases of necessity. And since it is grown to be a vulgar opinion, That by the doctrine of the church of England, all resistance in any case whatsoever, without exception, is condemned; I think it is incumbent on me, who have discussed this matter long and carefully, to give you such a clear account of the point, as may fully satisfy you as it did myself.

"I served in the Revolution, and promoted it all I could. I served as chaplain to the late king; I had no command, and carried no arms, but I was so far engaged in it, that if I could see that I had gone out of the way in this (and the many up and downs we have gone through since, has given much occasion to reflect on that transaction) I should hold myself unworthy to appear longer, either in this hall, or in this great assembly: But should think myself bound to pass away the rest of my life in retirement or sorrow. There is nothing more serious in religion, than that we ought to repent of every sin we have committed; and that we cannot truly repent unless we repent and restore as far as it is in our power.

"I go now to give you the account of the doctrine of our church as this particular. In the times of popery it was a great, built upon, perhaps setting the crown on the head of popery, and answering them, that they held their oaths of the church, and so the Popish army; who had for about 300 years not one the claim of dying down, and giving their dominions to others, in case they were taken, or the securities of blood. But the English

nation being as its first beginning protected by the power of Germany, by the kings of the Dutch, and then by the kings of England, they came every where in appearance to the pope's contrary, to say that kings had their power from God. Not that they meant, that they had any distinct authority besides the law of the land derived to them from God, but that by the laws of God, the authority of the law of the land, was secured to them. For when a different authority from that of the law was to be pretended to, and to be grounded on these general expressions, that concerned here a parliamentary resource, and it was then declared that the laws of religion in the scripture did only establish the several governments and governments that were in the different parts of the world.

"The sentence that the Apostles had to give what we had in their Epistles, with relation to government, was this; 'The Jews had a name among them from a passage in Deuteronomy, that they were only to set a king over them, 'not from among their brethren, and not a stranger.' From whence it is, That to this day they do not think they are bound to obedience to obey any magistrate, who is not one of their nation. Now the first converts to Christianity being Jews, the Apostles could not find they should set king their disapproved nations with them into the Christian religion. But they did not make it necessary when this authority was lodged, that was to be guarded out of the several conversions. They did not determine how much was due to the emperor, and how much to the senate. And though not long after those Epistles were writ, the senate condemned Nero in the most enormous, to be whipt to death, some of the Christians interpreted in that matter. He prevented that infamous death by his own hands, and the primitive Christians reckoned it one of the articles of the glory of their religion, that their first persecutor came to such an end.

"Not long after that Trajan was famous for that remarkable expression, when he delivered the sword to the governors of the provinces, as the emblem of their authority, he used these words, 'pro me, a magno in me.' For me, but if I deserve it, against me.' That did not weaken his authority. His good government, such that of his successors for above 80 years, being the greatest and happiest time the Romans lived under their emperors. This word was put on King James the 1st's coat in Scotland. It is true, that was during his minority, but when he afterwards changed his motto, the new motto called in, but continued current all the Union.

"The primitive Christians had no laws in their theory, but many against them, so their pattern referring to many persecutions according to the laws of the empire, under which they lived, was conform to the doctrine laid down by the Apostles. When they came afterwards to have the protection of laws, they claimed the liberty of blood, not without great industry

were soon after broken by the insurrection, and upon that followed a series of wars, often protracted, but always breaking out again, by reason of the violence and cruelty of the government. All these wars, till Henry the 4th. was seated on the throne, were in a course of 115 years, three which some would call rebellions, being carried on against two succeeding kings. Yet the queen was in all that time well attended, those with men and money.

"In the year 1580, the provinces of the Netherlands threw off the Spanish yoke, that was become intolerably oppressive and cruel. The queen for some years opposed them most severely, but when the prince of Orange was killed, and they were in danger to be destroyed, she laid them more gently into her protection, and by the manifesto which I have in my hand, she published the grounds upon which she proceeded. She laid down this for a foundation, that there had been an ancient league not only between the crown of England, and the princes of the Netherlands, but between the subjects of both kingdoms, under their mutual distinguishable, for all friendly slaves. If this was a good reason for the queen's going aid to the oppressed people of the Netherlands, then if the case had been a request, that the people of England had been, singly and jointly oppressed, it furnished the grounds of their petition with as good a reason for resisting them. In this instance gives the States, the queen promoted all the end of her reign, nor was this only done by the court, but both parliament and commons granted her as great aids to maintain these wars, and in the premises as these subsidies, the queen's proceedings in these particulars were highly approved and magnified. Bishops bishop of Winchester, and several other writers at that time, justified what she did, and assure that I ever heard of censured or condemned it.

"Upon king James's coming to the crown, the first great negotiation was for a peace between Spain and the United Provinces, which lasted several years. The Spaniards insisted on a preliminary, That they should be acknowledged free, sovereign, and independent States. The Spaniards would not yield to this, nor would the States yield to have it. Some here in England begin to say, They were forced in obedience, and ought not to carry their pretensions too far. Upon that king James suffered a consultation to meet, and a book of canons, with relation to the supreme authority, was prepared in which, though the authority of the Pope, even when he becomes a tyrant, is carried very far, yet the rule of the Bishops is cited, and, it was discussed, That when a new government, though begun in a revolt, is come to a thorough settlement, it may be used as lawful. King James, who was juster enough of the regal authority, yet did not like these carrying these writers so far: he ordered the whole matter to be set full so entirely, that there is not a word of it in the books of common-law. But Archbishop Sharp's sermon that collection of ca-

non, at Durham, under Dr. Overall's sermon, which he expounded, and covered the book, six days before he fell under his suspension, I am sure that at least a relation in the affairs of Holland. For the Dutch delighted to compare their own indignities to that of the Jews in Jerusalem's ruin. They recovered their liberties as Antiochians I judge was, and the prince of Orange was the master by an original letter of king James, which a worthy gentleman sent me. I have his hand with the letter as a point; but I will read some particulars out of it. It is directed to Dr. Abbot, afterwards archbishop of Canterbury. It begins with assuming some positions, as down as a king in possession, the same with our modern notion of a king de facto; he goes on in these words:—'My reason of calling you together, was to give your judgment, how far a Christian and a Protestant king, may consent to us at his neighbours to divide all their obedience to their own sovereigns, upon the account of oppression, tyranny, or what else you like to name it. In the late queen's time, this language was very free in assisting the Hollanders, both with arms and advice, and was at your most ever told me, that my scruples about it in her reign. Upon my coming to England, you may know, it came from some of your friends to raise some plea about this matter. yet I never took any notice of these scruples, till the affairs of Spain, and Holland forced me to it. I could say they together, to satisfy not so much me, as the world about us, of the justice of my coming to the Hollanders at that time. Thus I need not to have done, and you have forced me to say, I will I believe.' In reflection on those, who had a great aversion to the notion of God's being the author of us, which plainly comes in Dr. Overall, who was the first man of note among us, that opposed the Calvinist doctrine of predestination; yet, he says, 'They had gone on the shore of it, by saying, that even tyranny was God's authority, and should be maintained as such.' He concludes, 'these were edged coals, and that therefore they were to be thrust out.' Here is a full account of king James's thoughts of this matter, which was then the chief subject of discourse all Europe over. He had 12 years before this shewed us an equivalent occasion, that he owned the Spaniards, when he invited them to the year 1602, to choose to elect me, prince Henry. They were sensible of the great honour done them by it; and though they were thus far from, they sent an embassy, with a noble present of gold plate, to assist us that occasion. This negotiation stuck for several years, the Spaniards refusing to own them in express words: the temper found out, they were treated with (impasse) as such free stages; and the matter went no further at that time, than a truce for some years, which was concluded in the year 1605. Then let us see, what the words in king James's speech this year to his parliament, were not chance words that fell suddenly from him. 'A King leaves to his

“ a king, and degenerate into a tyrant, as was
 “ as he leaves off to govern by law, in which
 “ case the king’s conscience may speak to him,
 “ as the poor woman in *Plays* of *Horridon*, *Le-
 “ der* govern by law, or come to be a king.”

“ There is another excellent sentence towards
 the end of that reign, that shows what the *signifi-
 “ cation* *best* *afforded* *to* *the* *name*. When
 the bishop of York’s son, and Mr. Whit-
 worth, had changed their religion in Spain,
 Whitworth first gave a bold defence of that,
 and, among other things, charged the *Refugees*
 with rebellion. This was answered by one
 of the best books of that time, sent by Dr. Be-
 dell, dedicated to the prince of Wales, who af-
 terwards promoted him to a bishopric. His
 words on this head are full, I will read some of
 them. ‘ Do you think subjects are bound to
 “ give their throats to be cut by their fellow sub-
 “ jects, or to their prince, as their more wile,
 “ ignorant their own laws and rights? You would
 “ Have, *per jure*, the Protestants were in
 “ France and Holland, are justified. First, The
 “ law of nature, which not only allows, but
 “ forbids and forbids every thing that is
 “ distant itself from violence. Secondly, The
 “ of nature, which permits those who are
 “ in the protection of others, to whom they owe
 “ no more than an humble acknowledgment,
 “ in case they go about to make themselves ab-
 “ solute sovereigns, and to usurp their liberty,
 “ to resist, and stand for the same. And if a
 “ lawful prince, who is not yet lord of his sub-
 “ jects’ lives and goods, shall attempt to depose
 “ them of the same, under colour of reducing
 “ them to his own religion, after all humble re-
 “ monstrances, they may stand upon their own
 “ ground, and being assailed, resist their with-
 “ force, as did the *Albigenses* under *Arctichon*.
 “ In which case, notwithstanding the persons of
 “ the prince himself ought always to be treated
 “ and available, as was said to *Daniel*.’ No
 commentary is wanted here.

“ My Lords, You see how the matter stood
 during king James’s reign. In the first year of
 king Charles’s reign, Guizot’s book, ‘ *De Jure
 “ Belli et Pacis*,’ was published at Paris, dedicated
 to the king of France, while France was under
 the administration of the worst and most yel-
 low minister of the last age, cardinal Richelieu.
 In that book, in which he asserts the
 rights of princes with great zeal, yet he acknow-
 ledges many cases, in which it is lawful to resist,
 particularly that of a total subversion, and
 that book is now, all Europe over, of the highest
 reputation of any book that the modern age
 have produced. In the beginning of king
 Charles’s reign, a war broke out in France,
 against the Protestants; upon which he sent
 over *mediators*, by whose mediation a peace
 was concluded; but that being all kept, the war
 broke out again; and the king thought himself
 bound by his mediation, to protect the Protestants.
 So in the second session of parliament,
 1635, at the demand of a supply that the lord
 keeper Coventry made, in the king’s name,
 these words were to be found, ‘ *Ex parte* *intercessio-*

“ by the Papal faction; and through by law
 “ *intercessio*’s mediation, there were Articles of
 “ Agreement between that king and his sub-
 “ jects, that treaty hath been broken, and those
 “ of the reformed religion will be ruined, with-
 “ out present help.’ Upon that the Commons
 petitioned the king, for a law, and desired the
 dissolution of the lords, who joined with them
 in it. The king granted it, and an office was
 composed suitable to the occasion, in which,
 among other devotions, the king was directed
 to pray for all those, who burn, or stand up,
 were fighting God’s battles, and defending his
 altar. Thus the whole body of the legislature
 did occur for a law for that, which, if that doc-
 trine is true, was no better than rebellion, and
 yet the whole nation, clergy and lay, were re-
 quired to pray for success in it.

“ Not to consist in the view of the doctrine
 of our church, it is to be considered, that when
 a year before this, while the laws, of hetero-
 doxy, were carried on, were others a doctrine
 made use of, three expressions of king having
 their power from God, importing no validity
 of a nature superior to the laws of the land.
 One of these, Dr. Hamming, was ascribed,
 and had a severe sentence passed on him for
 it. So I have now made it out, beyond I
 hope, the possibility of contradiction, that, for
 70 years together, from 1534, to 1638, the law-
 fulness of self-defence, in the case of illegal and
 violent cruelty, was the public and constant
 doctrine of this church.

“ These were the best and happiest times of
 our church, as is often repeated by the end of
Charles. From them we ought to take the
 standard of our doctrine.

“ I go next to show what was the common
 doctrine for the next 60 years, from 1638, to
 1688. I must pick up the first 20 years. For
 episcopacy and nonconformity between the
 king and the parliament, there was a long dis-
 continuance of parliament; and the little con-
 sidered doctrine was again in vogue, and no-
 thing was so much heard of, as the law of
 agreement; that was from God, subordinate to
 all other human laws out of the spring
 illegal representations, illegal monopolies, se-
 vere proceedings in the Star-Chamber, but
 above all, the Ship-money. These things put
 the nation in an universal ferment and re-
 bellion. And when an inevitable necessity
 forced that king to call a parliament, the fatal
 effects of those councils broke out terribly. I
 know many say, that the war is to be charged
 on the principles of self-defence. They are
 much mistaken. I had occasion to see a great
 way into the secrets of that time, when I
 examined the papers relating to the two doctors
 of *Hamilton*. I have a great deal more since,
 from two persons of unquestionable integrity,
 who knew the secrets of that time, the lord
 Halifax, and Mr. Herbert’s *Confessions*, but all
 received a full confirmation, when I heard it
 agreed perfectly with the noble account given
 the end of *Charles*.

“ *Self-defence* depart of *the* *war*, *now* *had* *the*

to this, we all know, has been long whispered about among us, as it was more boldly given out in Scotland, which obliged one of the queen's ministers in that parliament, in a speech that was printed, to contradict this tremendous and dishonourable suggestion. That as some divines would have it, that there was in God's secret, as well as in a revealed will, and that there might be discovery to one another; so they would foster an insinuation, on the point that while she revealed her will one way, she had a secret will another way; which heretofore, affirmed to be false, and highly injurious to the queen.

"While the pamphlets and these reports were thus abroad, Mr. Moody thought that it became him to assert the queen's title by justifying the Revolution, out of which it rose. But when an inquiry was made on this, that he did not detach the promise of a settled opinion, that was wisely designed to secure the government—will yet be asserted nothing, but what she counsel for the present did all fully and plainly own, that in the case of extreme necessity, an exception to the doctrine was to be admitted, and that that was the case at the Revolution.

"But as these notions have been long in circulation, so they have appeared in a more subtle and unguarded manner, ever since the attempt of the Pretender, and more lately, when the parliament open the exertions for a peace, seem to estrange these hopes. What sermons on this head are preached in the city at times, at Bath, and at every cathedral? Far from it themselves will come last sermons, which they carry about from place to place, to poison the nation. This has not only the visible effect designed by it, of shaking many in their allegiance to the queen, and in their adhering to the Protestant Succession; but it has a cruel effect on many others, on whom this their design does not succeed.

"I am very sensible there is a great deal of hypocrisy and hypocrisy now spread through the nation: that genuine good mind all possible horror; but I must tell your lordships, on what a great part of it is founded; for necessary conversation with Wilkes, and of Rochester, I have had many occasions to discourse with persons tainted with those wicked principles, and I do affirm it, that the greatest prejudice these persons have at religion, at the clergy, and at the public worship of God, is this, that they say, they are clergymen and such, and used prayers, both ordinary and extraordinary, for the government, and yet in their sermons and discourses and of late in their sermons, they show us that they look another way; from whence they conclude they are a necessary sort of people without conscience.

"I hope there are not many that are so corrupted and so wicked; I am sure I know a great many that are the otherwise, who preach, speak, and act, as they ought and pray; but those who act in another way, are many and impudent, and so look on the wisdom in the

whole body; and unless an effectual step is put to this dangerous, it is not possible to foresee all the ill consequences that may follow upon it.

"I have, I am afraid, wearied your lordships, but I thought it was necessary, once for all, to enlarge expressly on this argument, and now to come close to the Article, and the Resolution, for I need not at all with the person of the man, whatever general expressions might very well have been used, in telling forth passive obedience and non-resistance before the Revolution, because edicts came right out to be supposed, and therefore are not to be named; yet since resistance was used in the Revolution, and that the law long continued all the subjects to join with him, which was in them, contrary resistance; and since the lawfulness of the Revolution is so much controverted, the condemning all resistance in such crude and general terms, is certainly a condemning the Revolution; and this is further aggravated from these limitations on our obedience, in an act passed since after the Revolution, by which, in case our prince turn Papist, or marry a Papist, the subjects are, in express words, discharged from their allegiance to them. Certainly the point an end to the course of non-resistance is now set, as an *any* protest or shewer. For these reasons, I think the first Article of the Imprisonment, is both well grounded, and fully made out."

Several other preys, particularly the duke of Devonshire, the lord-chancellor, and the lords Somers, Rokeby, and Mordaunt, spoke also in vindication of the late Revolution; and maintained, that in extraordinary cases resistance is necessary and lawful, and concluded, that the Commons had made good the first Article. The Archbishop of York, the duke of Buckingham, the earl of Nottingham, and Rochester, the lords Gower, North and Grey, and Carteret, and the bishops of London, Rochester, and Llandaff, who spoke on the other side, declared, "That they never read such a point of madness and nonsense, as Dr. Sacheverell's sermon, but did not think him guilty of a misdirection." After a long debate, which lasted till past nine at the evening, it was at last moved by a majority of 10, That the Commons had made good their first Article of Imprisonment against Dr. Sacheverell.

March 17. The Lords took into consideration the second Article of the Commons' Imprisonment.

The Bishop of Lincoln (Dr. Wake*) began the debate with the following speech:

"* William Wake, an eminent prelate, born at Hamford, Dorsetshire, 1687. He was in 1692 admitted at Christ-church, and when in orders he became preacher in the Gresham academy. In 1695 he took his degree of D. D. and was appointed deputy clerk to the church, and chaplain to William and Mary, and soon after canon of Christ-church, in 1696 canon of St. Asaph's Westminster, dean of Exeter 1704;

"Myself", how is the modesty of your plan, that in the prosecution of the foregoing Article of non-impachment, a noble lord, who spoke very early to this point, was placed not only to state facts, and judgments on important articles, but to defend the present hard refusal of, that as being so, as he says, and we could, we would not, contrary to our own desires. It is not improbable but that, on the point of the present debate, next to a free way is drawn out of the case, prior to that point, and we have been told, that is, delaying of the Toleration, proved by law to the dissenters, without ourselves to be applying to our own articles. But if on both these points, could not prevented both our writings and our actions, will submit us to the judgment of all indifferent persons.

"The substance of this Second Article of the Impachment, which your lordships are now about to vote upon, is this. "That Dr. b. in his sermons, hath asserted and maintained, that the Toleration, granted by law, is unreasonable, and the allowance of it inconsistent with the law of a like brother with advice to God, religion, to the church, who defend Toleration, and liberty of conscience. That queen Elizabeth was deluded by archbishop Gomel to the Toleration of the Geneva discipline. And that it is the duty of superior pastors to consider not their ecclesiastical authorities, or civil persons intrusted to the benefit of the Toleration; and manifestly shew, or define, any power on earth to remove such persons." The, my lords, in the case of this part of the Commons' charge against Dr. b. and I think he answers here fully made it out; not by long considerations, by antientary implications, and forced constructions; not by putting together broken sentences, and composing of dates, and independent passages (as he has sagaciously complained;) but by the plain words, and necessary reasoning, of a very great part of his discourse—But before I trouble your lordships

with the proof of this, give me leave, upon this occasion, (though it be a part of the Impachment filed against the preacher) to observe to your lordships what a strange account he has thought fit to publish of some other popular sermons, which, he says, has been made use of, to pull down the church, and which he calls by the name of "scurrilousness."—The person who first conceived this supposed charge against our church, was the late now deceased Dr. Sackville, then archbishop of Canterbury. The time, was towards the end of that unhappy reign, of which so much was said upon the subject of the long-gang article. Then, when we were in the height of our labours, defending the church of England against the attacks of popery, and thoughts of nothing else, that was probable, fore-saying some such Harshness as was afterwards brought about, began to consider how strictly prepared they had been at the restoration of King Charles the 2d. to settle many things in the advantage of the church; and what a happy opportunity had been lost for want of such a justness of view, as he was otherwise desirous should now be taken, for the better and more perfect establishment of it. It was visible to all the nation, that the more moderate discourses were generally received with that zeal which our divines had made against popery, and the more agreeable treatises then had published in confirmation of it, as to express an universal readiness to come to them. And it was therefore thought worth the while, when they were deliberating about those other matters, to consider at the same time what might be done to gain them, without doing any prejudice to ourselves.—The scheme was laid out, and the several parts of it were committed not only with the approbation, but by the direction of that great prelate, to each of our divines as were thought the most proper to be entrusted with it. The grace took one part to himself: Another was committed to a then young and reverend dean, afterwards a bishop, of our church. [Dr. Patrick, bishop of Ely.] The reviewing of the daily service of our Liturgy and the Communion book, was referred to a select number of excellent persons, two of which are at this time upon our bench [the archbishop of York, and bishop of Ely] and I am very well bear witness to the truth of my relation. The design was, to cultivate our discipline; to revise, and enlarge our Liturgy; by correcting of some things, by adding of others; and, if it should be thought advisable by authority, when the matter should come to be legally considered, first in convocation, then in parliament by leaving some few circumstances, confirmed to be indifferent in our statutes, as indifferent in their usage, so as not to be necessarily altered by those who made a scruple of them; and they should be able to overcome either their weaknesses, or prejudices, and be willing to comply with them.—Now for the good design, as yet fully known to, and approved of by the other fathers of our church, that have

bishop of Lincoln 1723, and translated to Canterbury Jan. 1714-26. He was engaged 1697 in a severe controversy with Archbishop with respect to the rights of convocation, but through success of the design entered the lists on both sides, the State of the Church and Clergy of England, &c. &c. by Dr. Wake, was the most masterly, luminous and satisfactory performance published on the subject. In other writings he also ably vindicated the Church against the Papists, and while he earnestly worked in his discourses, and in his correspondence, to keep up union between the churches of England and France, he was indefatigable in supporting the rights and tenets of Protestantism. The only learned and virtuous man dead at Lambeth 1715 Jan. 1736-7, leaving several daughters. Besides his controversial works he published a treatise on the epistles of the Apostles and Fathers, &c.—*Exposition of the Church Catechism, often printed—Lamps against Popery—Serpents and Charges*.—Lampson.

"That, my lords, is a very strange representation of a good a design, as this I before, resigned to your lordships. This strange representation of the said man, or society, as a false guide of it in the house of God; and publish in the view of the whole nation. For thus he says, 'That great design of making out of a proper sort of men, or society, a new Church into a church; it will know to have been attempted several times in the Kingdom, and lately within our memory; when all things seemed to favour it but that good providence which is happily interposed against the ruin of our church, and blasted the long projected scheme of their schismatical *Apostrophes*.' To say nothing more of the design itself, of which I have given an account before. May my lords, who were the *Apostrophes* that project it, and must be concerned with the success of it? I have already named the first, and chiefest of them, the late archbishop Swinart. The next who openly approved of it, were the commissioners who met upon it in the Jerusalem Chamber; A. set of men, than which the church was never, at any one time, filled with slier men, or better, than it was a church; Who at that time provided in the course soon of this province, to which the project was next to be referred, and who, had a point on, must have had a chief hand in the management of it, I need not say [The late lord bishop of London.] Every one who knows any thing at all of his character, [and I am sure your lordships are some of you strangers to it] know him to be a good friend to the establishment of our church, to have been capable of being engaged in such a villainous design, as Dr. A. pretends, for the subversion of it. Or had he been otherwise, yet still the major part of that venerable body must have been against *Apostrophes* as himself, or as others could have been done by him. Pardon me, my lords, if the course of my argument obliges me to run yet one degree higher, and to say, that the like majority of your lordships, in the House of Commons, together with his late majesty, must all have come into the plot against the church; or all the skill, and wisdom, of the reform *Apostrophes*, would have equalled nothing. And what course that man deserves who has the confidence to asperse to the world, that the bishops, the other clergy, the constitution, the parliament, say, and the late king himself, are glorious deluders; or at least the greater part of all these, were engaged in a project so monstrous, so ruinous and absurd, (for here I am content to use his own expression) "that it is hard to say whether it had more of *folly*, or *malice*, or *both*." I shall submit it to your lordships to consider. All I design in taking notice of this part of his Sermon, is only to show the weakness of many excellent persons who are dead, so vindicate the reputation of some still living, and in the highest stations of the church; from that kind of calumny which this man now has such so much evidence of speech cast upon them. And to let your lord-

ships see that nothing was intended in all that either has what was both reasonable to those who engaged in it; and I am persuaded would have been for the honour and peace of our church and state, had it been accomplished.

"I come now to that which is the proper subject of the present *Commons Sermon*; it is plain and passages in your lordships, as I thought necessary to be plainly and fully stated in the second Article of the *Commons Resolutions* against the project, and prove him to have spoken with more freedom than he ought, not only of the *document* themselves, but of the *liberty*, as far as he had rather we should call it; the indulgence granted by law to them.—And here, as I remember, it was not stated either by his counsel, or himself, but that he had spoken, and spoken with warmth too, against *Toleration*. The only question is, what the *Toleration* is against which he speaks? Whether it is that which has been granted by law to the dissenters? Or whether it was only against a general Toleration of *Heretics*, *Deists*, *Socinians*; men of no principles, perhaps of no religion? Or at least against such of the dissenters as showed the indulgence granted them by law, and made use of it to purposes not at all warranted by it. The answer at these the *Commons* charge upon him. The latter he pretends; the latter to clear himself of their charge.—To determine this point, I must in the first place beg leave to observe, that among the several sorts of false brethren, mentioned by the preacher with relation to God, religion, or the church, the second kind is of those, who give up any point of the church's discipline and worship, page 5. To this he adds, that these are false brethren who defend *Toleration*, and *Liberty of Conscience*. And that is to say the better know what *Toleration*, and *Liberty of Conscience*, he means; He specifies the very persons to whom he refers, and of whom he speaks, the dissenters. He says he, "to comply with the dissenters both in public and private affairs, in persons of tender consciences and party, to promote their interest in churches, to speak to them for peace and profertment, to defend *Toleration* and *Liberty of Conscience*, and under the pretence of moderation, secure their separation, are the enemies of a true churchman; God deliver us all from such false brethren." The *Toleration* therefore, and *Liberty of Conscience*, against which he speaks, must necessarily be that of the dissenters; those who separate from our church. He names no others, but names the same persons through his whole sermon, both before and after those expressions. Either therefore it is no rebellion upon the act of indulgence to say that all those who defend the *Toleration* of the dissenters, and are for allowing liberty of Conscience to them, are false brethren with relation to God, religion, or the church, page 6, 7, and such against whom we ought to pray to God to deliver us all, page 8. Or if this cannot with any reason be either said, or supposed, that it must mean, that Dr. S.

has here said what the Commons charge him with; and that is, express terms, viz. That he is a false brother who defends the Toleration, not of Deists, Socinians, and I know not what monsters of unbelief, but of the Dissenters. These were Dissenters who by the act of 1719, gave birth to the theory of conscience of which the gentlemen speak so very hardly, and projected to defend as from all such false brethren as shall presume to exercise.

But not to insist upon a single passage which may be supposed to have slipped casually from him. In the second part of his Sermon, he proceeds to show the great pains and contents of these false brethren, against whom he was before speaking, both in the church and state, pag. 13. And that these were the same persons who have a right in the legal indulgence is so very clear, that I do not see how it is possible for any one to make the least doubt of it, p. 12. He describes them as occasional conformers to the church, pag. 15. As those who had the advantage of their knowledge and wisdom in these and in the legal sentence, he expressly takes notice of the religious liberty which our gracious sovereign has indulged them. This in the very same sentence he calls their Toleration, (for the Doctor himself is not tied up to any notion of expression. He may call it, though others may not.) These are the persons and the only persons, of whom he speaks in all that part of his discourse, let us see what he says of the indulgence granted by him to them.

And 3rd he tells us, page 20. That it cannot be denied, but that though they do not sit in the government, their influence is great, and extensive; and as troublesome, and uncertain, as seems to be true. That they are at much occasional tenderness to the state as they are occasional conformers to the church, and will hurry either whenever it is in their power, and they think it for their advantage. That nothing has a better manner than this to far blind our eyes and our judgments, as to make us believe that the same causes should not produce the same effects; that the same benevolence and republicanism, should not bring forth the same rebellious and pernicious consequences. That we shall be convinced to our sorrow, if we do not apprehend that the old serpent head of these false brethren is still working in the present generation, and that the traditional poison still remains in the blood of many to bring us to death. That they have advanced themselves from the religious liberty which our gracious sovereign has indulged them, to claim a civil right; and to push the church out of her establishment, by hearing their Toleration into a place. That to purchase at what about will easily show, they lawlessly demand the repeal of the Corporation and Test acts, which, under her majesty, is the only remedy the church has to depend upon. And which if we carry into effect, they have as yet decided by

their abominable hypocrisy, as to have really, named her foundations, and endanger the government, by filling it with its professed enemies. The meaning is plainly this, that the dissenters, whom we are so foolish as to indulge, are a parcel of false and treacherous persons, whose kind of conduct and manner, will make us if not timely suppressed will contribute to our ruin as the weakness and folly, of taking such persons into our houses, as worth only for a fair opportunity to sting us to death.

But what then must needs to serve remedy against these dangerous enemies? Why then, the Doctor answers us, that they are never to be gained by any means that can be showed to them. That he must be very strict, or something more, than threats or promises, that the dissolution (for all these he still speaks) must be made out by any other means and could prevent their going up our whole communion. This shows the folly of trying the weakness of indulgence with them; and therefore he concludes, that He who would the long term from it (our communion) to satisfy, or agree with, these dangerous, traitorous, church-dwelling malignants, knows not what sport they are at, or he ought to show who is the true member of the Church.

That I think comes fully up to what is objected against him, namely, that Doctor S. does in his Sermon suggest and insinuate, That the Toleration granted by him is unwarrantable, and the allowance of it dangerous. He says, let us at once decide by, if the dissenters be such men as he tells us they are; and will be satisfied with nothing less, than he assumes as they will. And yet what next follows, is, if possible, still more express in the same purpose. It is objected against him by the Commons, that he had affirmed to his Sermon, that Queen Elizabeth was declared by arch-bishop Grindal, (whom he scurrilously calls a schismatic of the Church, and a profane pedlar,) to be the toleration of the Greenian discipline. The fact is not denied, but the expressions are abused, and the truth of the allegation is endeavored to be made out by historical arguments. and it is hoped that your lordships will not account it a high crime and misdemeanour, to have spoken so hardly of a person who has been so many years in his grave.

I am, my lords, very far from thinking, that the Commons ever intended to charge Dr S. as guilty of high crime and misdemeanour for speaking scandalously of that good arch-bishop. Their concern was not for his person, what respect matter they may have had (as all true friends of the Reformation must needs have a very great one) for his memory. But the truth of the matter is this. The preacher complains, page 20, of the Sermon, that queen Elizabeth was declared by arch-bishop Grindal, to be the Toleration of the Greenian discipline. He

right, that the archbishop was a person of state, for detaching her to release that shepherd. That she found such a headstrong and unerring master, that in eight years she saw it would endanger the country as well as the hierarchy; and her opinion of true nobleness, and piety and for God, she pronounced that such were the wicked sports of that factious people, that no good was to be expected from them, saying were utterly suppressed. That the monarch, like a prudent prince, she did by judicious servants; and the effect was, that by this means the crown for many years lay easy and flourishing on her head. But neither emperor king James, did not follow her wise politics; and the result was as deplorable on his side, as it had been glorious on hers. For by this means, 'the sea fell a mirror to their fury: the unhappy offspring suffered with disastrous calamities, as made the royal family one continued martyr to their malice.' And all this for want of those 'holiness' virtues which the wise queen her predecessor had used wisely to suppress that factious people.

"This, my lords, is the Doctor's narrative, and I have given it you in his own words: the application is plain, and home. The doctors are now again collected, as they were heretofore under queen Elizabeth. There is a perfidious prelate (perhaps in his opinion a great man) who, like archbishop Oswald, help to divide another queen, into the Toleration of them. These eight years past for the very number of years is remarkable for our lady's harbours the restless spirit of the factious people: and had no queen than them. It is our high time for her to alter her measures, as queen Elizabeth wisely did. It is the only way to settle the crown on easy, and flourishing upon her head. And if this be not plainly to speak, what he would have done with the act of indulgence, I must despair of ever being able to know any man's meaning by his expressions. Such examples are not only the most lively to enforce, but the most proper, and best methods to convey a man's sense, even to the duldest capacity; and under his clearly person, if not what he saith, yet I can see what the preacher would have him to do.

"The truth is, no plain was his meaning, that he himself began to fear that he had gone a little too far in what he had said of the nation. And, for that reason, he added that our poor nation which immediately follows, and of which he has made such good use since.

"That he would not be misunderstood as he intended to cast the least uncharitable reflection upon that indulgence the government had decreed to give them, (the dissenters;) but what then did he intend by all this latter discourse against them; and that very intricate piece of history with which he concluded it? He has told us that 'the Dissenters are' 'high-bred, desperate beggars' (p. 494)

'and ecclesiastical rights. That it is an essential principle to the subject, and as essential conformances to the clergy, and well being both, whenever they begin to dissent, and it shall be their duty to do it. That it must be a Scottishish religion to have that the same heresies and schisms, 'that our lords, should not bring forth the same rebellions and previous consequences; that we shall be subjected to the same, if we do not apprehend that the old forms of their forefathers, is well working in the present generation; that they have already made dangerous innovations upon the government; and published treacherous reflections upon our majesty that they have advanced their indulgence into a civil right, and perverted the Church out of her antichristian, by having their Toleration made a place that they have by their shameful hypocrisy advanced the foundation of the Church, and endangered the government, by filling it with an professed enemies that they are dangerous, unchristian Church-drawing malignants; when no other guilt, or indulgence can run over, but the going up our whole constitution. That ever since their first schismatical plantation in the kingdom, they have improved, and rose upon their dreams in the persecution of the government: that queen Elizabeth, who tolerated them for eight years together, was forced at last to suppress them by withdrawing her services: that this made her crown sit easy and flourishing on her head, whereas king James the first, by not pursuing the like method raised the whole royal family, that nothing better could be expected from such 'innovations, kept in religion, here in only 'two, and started up in favour.' All this Dr. S. has said in these very plain, and emphatical words. If he did not intend by all this to show the necessity of suppressing these factious people, these sects, who are just ready to sting us all to death, I would be glad to know what it was that he did intend by it? Could he say all this, and with such a singular strain of impudent eloquence, and yet not intended to cast so much as the least uncharitable reflection upon that indulgence which the government has thought fit to give them? I must truly own, my lords, I could never have imagined this: nor I must be excused if I add, That notwithstanding this poor evasion, I cannot yet believe it. But the act of Indulgence stood in his way, that our lady had declared her conformity to marriage, our bishops and the Commons had taken a solemn oath of fidelity to the same effect. Even those who pruned so violently against Occasional Communion, yet thought it necessary to say, in the very preamble of that bill, that the act of Indulgence might as well be in his opinion, and therefore he thought it needful to add some-what that he had said, and take all away from it as the text, as he is known yet might have so much the more.

is known, if he should choose to be called to account for it. Thus, my lords, I conceive to be the true meaning of that one single passage so utterly repugnant to all the rest of his discourse: nor can I put any other interpretation upon it. For had I the same opinion of these men, their principles and their designs, that Dr. S. has; I should be under great thinking, should be to be satisfied that I should account it my duty, all the day of every year devoted to our Church and government; to take the same methods of wholesome discourse with them that queen Elizabeth did; and I hope by God's grace that should I be persecuted for it, I should not deserv'd any greater, but should have the change heavenly to see it, wherever I might choose to suffer for it.

"I have, my lords, treated the longer upon this part of the Doctor's Sermon, because I would not willingly fall under the censure of picking out disjointed sentences, and putting them together from distant places, that so I might the better draw a stain out of them, contrary to his meaning. I shall trouble your lordships but with one just note of it, to the same effect, page 14, 25. Where he comes to consider, what should be the result of his long discourse? I shall read it to your lordships in his own words, page 33. 'Let us therefore (say he) as we are unhappy sinners, if St. Paul's instructions, to have our Church 'in peace amongst false-brethren, follow his example, and conduct in a parallel case. He tells us in his Epistle to the Colossians, c. 3. 'That he was obstructed, and persecuted in preaching the Gospel, by false brethren who appear brought in, who came purely to spy out his liberty which he had in Christ Jesus, that they might bring him into bondage. To whom to give place by subjection, so not for us least, that the truth of the Gospel might continue with the Church. Doubtless this brave and bold resolution, del the Apostles take by the prelate's command, and inspiration, of the Holy Ghost; and yet if our Dissenters had lived in those times, they would have braced him as an interposer, but, however resist; that wanted to be assisted by the great spirit of almighty, and omnipotent, Jehovah.'

"Now we have again the picture of a man the preacher speaks: they are our dissenters, our the Deists, Atheists, Socinians, hypocrites of our times. And accordingly, what follows, plainly refers to them; that he give us, 'which and factors are things of imposture and insupportable nature; take permission for power; and advance a Toleration, (for so the Doctor is still so liberty to call, what we must call Indulgence) immediately into an establishment.' Your lordships will please to observe, by the way, that this was the very thing he had before said of these same persons, p. 29. and thereby plainly shows, that he speaks in both places of those Dissenters who have a right to the Toleration, or Indulgence, granted by laws Protestant Dissenters.

Let us now hear what he would have done with them. Why he would have them 'imagined growing milder, as infectious plagues kept at a distance, but their deadly nature began spread.' And the method he proposes to order dissenters, is this, 'Let us therefore,' says he, 'have no fellowship with these works of darkness; but rather reprove them.' These works, which we have seen, are of three, and these only, he here speaks. This is the people's part, and the inferior pastors: as for the superior pastors, let them do their duty, in shewing out their evangelical sentiments against them. Against whom, my lords? What works of darkness! Tell the same by letters mentioned our dissenters, these are the persons, their actions and names, these are the works of darkness, to which he refers. 'And let any power on earth dare resist a sentence so laid in heaven.'

"Thus, my lords, was the last part of the Commons' Impediment upon the second Article and it is so plainly expressed by the preacher in this passage, that I cannot imagine me to quarrel with what position he has thought fit to deny that any such thing was meant by him. The persons whom the superior pastors are commanded to reprehend, are the same with those, whom the other pastors and people, are to have no fellowship with, but to reprove. These, by the necessary connection of his discourse, are our dissenters, these works of darkness, he seems to be serious, and fix upon those dissenters to whom the government hath granted a Toleration, as himself, in the same passage, takes notice. Which being so; I shall leave the Doctor to deny, and protest, as he pleases; but when all is done, his own words will rise up against him, and appear in every impartial person's place, and posture, as to cut it beyond the power of any arbitrary interpretation to pervert the meaning of them.

"And thus let us into the true apprehension of those passages of scripture, with which he concludes his whole discourse. In which he renews the danger of our Church from these false-brethren, and exhorted his auditory to a steady courage and resolution in the defence of it. he that at once both embraces his doctrine, and shows his adversaries. That though the church (for so that he applies, what Zechariah speaks of the False Prophets that seduced the people) his blessing of the women which she has received in the house of her friends: a promise not thrown at myself, but defusing the prince's authority, when some of those very men engaged so vehemently on the side of liberty, against the rights of the crown, as they now pretend to stand up vigorously for it, though the ways of Zion may indeed for a time (as the Doctor glosses upon the text) and her pains be desolate; her priests sigh; and she in bitterness, because (as is the preacher's reason, the text has no such word) her adversaries are chief; he means, in the whole of this discourse, her majesty; and let

as men at present prosper; [in her eyes respect to the last; in hopes, I suppose, that it will not be long before she shall have preached them out of these places:] though missing all her friends she has left, (the prophet complained, this Jerusalem had none) to comfort her; and none (Jerusalem said) will have flesh acquainted with her, and are better to her enemies; (she refers to those of whom she had before spoken p. 71.) Though there are, for a great way among all the men which she hath brought hither; neither are there many to take her by the hand of all the men that she hath brought up; (I dash in both places, says she;) though her enemies cry down with her, down with her, even to the ground: that is, in other words, though (the preacher, and a few of his friends, excepted) both the fathers and pastors of the church; and the men who are at present in power, and authority, in the state, are become false-brethren, and run in with these enemies of the church, my dissenters, against it: 'yet there is a God that 'rises, and will raise her up, if we forsake her 'not'—It were no easy matter to make many passages remarkably upon these passages of Scripture, thus applied, or rather abused, by the preacher; but that would be besides my present business, and will fall in more properly under the last Article of this impeachment. It is enough that I know, I hope, fully shews your lordships how Dr. S. has treated, if not too indulgent enough, yet I am sure, those who are entitled to the benefit of it: and who if they did have the satisfaction, by the kind of preaching, to be more generally thought such wicked, false, and dangerous enemies to our Church and State as they are here represented, I cannot think that their indulgence will hold long. If they have numbers to oppose them, it is well for them; but otherwise I am sure, to the state is here stated, it would be our wisdom, as well as duty, to suppress them.—How common such an exercise as this will be accustomed in the eye of the law, I dare not presume to suggest: much less shall I presume to imagine what course it may deserve, though what I think should be done to put a stop to such preaching, as if not nearly destructive may hardly such have and sometimes among us, as may truly endanger both our Church and State."

The Bishop of Norwich (Dr. Charles Travers) made this speech.

"My Lords, I am very sensible under what disadvantage in the opinion of many, a bishop must speak against a clergyman that stands op-

posed of crimes committed by him in the seeming execution of his office; especially after having been so publicly required to be as strict as well as a judge. And I am the more sensible of this prejudice lying against me, for having been so lately called into that order, and for being so unworthy of it. But I think myself obliged notwithstanding, on the oft these disadvantages, to deliver not only my judgment, but also the reasons that determine me to it: which I shall do as plainly as I can; with that deference to your lordships, which I am sure it must upon all occasions particularly become me to pay; and at the same time with that freedom which I think the importance of this cause demands at this most season. Dr. Sackville stands impeached by the Commons of Great-Britain, of high crimes and misdemeanours expressed in the several Articles of the Charge exhibited against him: and your lordships have heard what they have said in support of that charge, as well as what has been offered in the Doctor's defence. Your lordships have also debated among yourselves the merits of the cause, as to the first of these Articles, and have come to a Resolution, that the Commons have made good that part of their Charge: in which Resolution as I did heartily concur; so I was ready to have humbly represented to your lordships my reasons for so doing, had there been either room or occasion for it.

"Your lordships are now upon the second Article, wherein the Doctor is charged for suggesting and maintaining that the Toleration granted by law, is unreasonable, and the consequence of it unreasonable; with other particulars that have considerable relation to this general charge, and which are added to many proofs of it. In this view therefore, my lords, I beg leave to consider them; and the first of these contains, in support of this charge, as, that he asserts that he is a false brother with relation to God, Religion, or the Church, who defends Toleration and Liberty of Conscience; and that, my lords, the Doctor does assert in so many words. It is one of the many marks he gives whereby we may discern who is a false brother in those respects, not a small part of our generalisick, as was already very manifestly, I think, in his defence. For if it was to be granted, (though it cannot be fairly pretended that the Doctor makes the defending of Toleration and Liberty off conscience, one branch only of the character of a false brother; I do not see how it could make even a part of that character, if there was no false brotherhood in it. And I shall not trouble myself or your lordships with going about to settle the degree of false brotherhood that lies on this part of the character, because I think every degree of it is unreasonable and not warranted.—And therefore the Doctor cannot make it so much as a part of the character of a false brother and of a false Toleration and Liberty of Conscience, as it is confessed that he does, but he shews in the same that he suggests and main-

"Dr. Travers had been tutor to the earl of Sunderland. See, in his Journal to Stella, at the close of January, 1711-12, says, "Travers, Bishop of Norwich, who was with Lord Sunderland at Mumpark in three weeks, preached yesterday before the House of Lords, and in the questions was put to drink tea and port, he refused; but quitted against him; for it was a terrible Whig, Bishop!"

tion that the Toleration is unreasonable, and the alternative of it unreasonable. For it can never be any degree of false brotherhood, as defined what is reasonable and unreasonable, nor could even the Doctor, as a conscientious man as several of the noble lords that have spoken for toleration, or still less as he, ever have made it one, if he had not himself condemned that which he himself was defending.

"The second instance, alleged is, that he calls Archbishop Goodell a false son of the Church, and a perfidious priest, for defying upon Goodell into the toleration of the Lascivious discipline. I shall not, my lords, go about to add any thing to the fact and just vindication you have heard of that excellent pastor. But can any of your lordships believe, that a Pastor of the Church of England, professing more than tolerance and for episcopacy and the constitution of this Church, should become such language to one, who was the man bishop and the sentiment as it is long, only for disposing that glorious queen to a cold contempt of the Persons of that time, which is the least that is protested to be due to her church, if he had thought Toleration a reasonable thing, or what was due to be established by law? This, my lords, I cannot see never enters my thoughts, as nearly as I can to enlarge them for the advantage of any favourable construction that will not shut out common sense.

"The third instance is becoming a the duty of the superior powers to shew out their constitutional authority against persons entitled to the benefits of the Toleration. And to show that he has done this, I need only refer your lordships to that part of his Sermon where the superior powers are called upon to do so. (viii.) the friends and the general body, which he shows the consequences of all that he had spoken before, in the following words. 'Now what should be the result of this long discourse, but that if we bear any true concern for the interest, honour, and safety of our church and government, we ought steadfastly to adhere to those fundamental principles upon which both are founded, and upon which their security under God alone depends; and consequently that it highly becomes us, constantly to watch against, to mark, and avoid all those that do uncharitably desert them. And indeed it would be both for our advantage, as well as their credit, if such men would shew off the mask, sincerely quit our church of which they are no true members, and not fraudulently enter her fold, and try war for her ruin, punish her ministers, and unjustifiably lift up their heads against her. For then we should be no fold under one shepherd, all these numerous discourses, that now distract and confound us, lost; and we should be content like an army of heaven to our enemies, who could never break in upon such an ordered and well equipped body. This indeed would be a true peace, and solid union, when we should all with one mind and one strength glorify God,

and not with a confused diversity of contentions, opinions, and inconsistent jargon of words, which the God of peace, purity, and order, cannot but abhor. As it is a maxim in politics, that all governments are best supported by the same methods and concepts upon which they are founded; and in like manner, in religion, in its application to our constitution, which can be maintained by no other principles, but those on which it is built, and like these laws, the gospel, if there is any violation, or breach made in any branch of it, it shakes and endangers the whole frame and body. These things, however little they may be represented by our adversaries, will be found of the most considerable consequence. Let us therefore, as we are witnesses of the death of St. Paul's martyrdom, to have our church in peace among false brethren, follow his example and conduct in a parallel case. He calls us in his apostle to the Galatians, c. 3, that he was obstructed and painful in his preaching the gospel, by false brethren concerned brought in, who came privately to spy out his liberty, which he had in Christ Jesus, that they might bring him into bondage, to whom he gave glory by submission, no not for an hour, that the truth of the gospel might continue with the church. Doubtless that brave and bold resistance did its apostle take by the peculiar command, and inspiration of the Holy Ghost, and yet if our Dissenters had lived at those times, they would have branded him, as an intemperate, hot, he even credit, due wanted to be restrained by the gentle spirit of charity and moderation towards Schism, and schismatics, or things of impediment and encroaching nature, they drove upon compromise, take permission for power, and advance a Toleration immediately into an establishment. And are therefore to be treated like growing cankers, or infectious plagues, kept at a distance, lest their deadly contagion spread. Let us therefore have no fellowship with those works of darkness, but rather reprove them. Let our superior powers do their duty in thundering out their ecclesiastical censures, and let every power so much that merits a sentence rested in heaven."

"Can any thing, my lords, be plainer than that the Dissenters, and they only, are here spoken of; and what does the doctor say of his own defence, to avoid it? The words in his pointed speech are these; 'Schismatics, my lords, are not the only persons against whom ecclesiastical censures may be denounced; the works of darkness which I referred to as fit to be repressed, in that part of my Sermon where I speak of these censures, are of the same kind with those mentioned by the apostle, whose words I produced, all kind and ungodly practices, &c.' It is very true, my lords, schismatics are not the only persons against whom ecclesiastical censures may be denounced, but I must add my they are the only persons referred to, in the paragraph I have read up your lordships; and therefore I own I am a justified censurer, as did the Doctor

going to ruin, as was once a defence. For it is not words of doctrine in general he is now coming against, but expressly, by a word of business meeting, and the apostle's, those words of doctrine mentioned successfully before; — *Love and Unity*, which will live go always together — There are the two against which he calls upon the superior powers to direct, and their ecclesiastical membership; nor can the charge be needed by that objection which was offered in his behalf, between a stance purely spiritual, and an ecclesiastical course for enforcing there in general his that doctrine, nor is a scholastic consideration of the general question of christian unity, yet there is no doubt to make use of it in this case, because he tells expressly for resolution of unity, which can be applied to such but such as are part of the order and discipline of the church — And it is certain, my lords, that these concerns cannot, since the act of Toleration, be directed upon Dissenters, how much less at their schism, because it is expressly provided by an act of parliament, (as yet, my lords, of the whole of our society, to which the superior powers were personally remaining,) that they shall not be treated as schismatics in the way of those ecclesiastical remedies, to which their separation would otherwise have certainly subjected them. And though I cannot so disturb upon necessity to be very particular, yet I dare venture to say, there have already been relaxations of the discipline of the church, even when the case was thought to deserve the continuance of it for public expedience, and better preserving the peace of the Christian world, and that in such cases any presbyter or bishop would himself have been censured, if he had not acquiesced in such relaxations.

My lords, a presbyter of the church of England, is the more obliged to acquiesce in all such relaxations amongst us as are legally made, because he has solemnly professed at his ordination, that he will give his faithful diligence always to maintain the doctrine and sacraments, and discipline of Christ, as the Lord hath commanded, and as the church and his bishop have used the same — I have already observed to your lordships, how the discipline of the church stands at present as in the point in question. And as the relaxation of it in that particular, was agreeable to that temper which the bishops who professed king James, gave the dissenters ground to expect: So I am only persuaded that the church is so far from having been hurt by this indulgence, that it has increased advantage as well as credit, from the moderation which gave way to it. I could give several instances of this within my own observation, while I was arch-deacon, under a reverend prelate, that now sits before me, and since I have had the honour to be on the bench. In which compass of time several men of sobriety and learning bred up to be ministers among the dissenters, have left the separation, and again can have been ad-

mitted to return in our church, in which they have returned with entire conformity to our rules, and to the history of our holy religion. — These instances have been so frequent and remarkable, were the dissenters have been exempted from the penalties of certain laws, where what had been observed before, that I think it may it becomes my obligation to give) against that exemption, as the Doctor (notwithstanding his reserve the conversation only scrupulous) has done, and to call upon his superiors to set in consideration to it. He should have forbore doing this, at least out of regard to his majesty, who had been graciously pleased to dissent from the dissent, that she would preserve the Toleration inviolable: A resolution I shall not think it my duty upon all proper occasions to express my approbation of, as just and wise and charitable, and every way agreeable to the spirit and genius of the Christian religion.

I shall not, my lords, enter into the enquiry of what instances are raised in heaven: But as one may venture to say, that all that have been pronounced on earth, are not ratified there, so by all that I have seen of the Doctor's spirit in these matters, I have great reason to fear, that if the power of the keys was in his hands, it would often be very easily abused — However he has as good an opinion of his own spirit, as to put his superiors in mind of another part of their duty, immediately after that I have mentioned, and that is, to promote men of probity, conscience and courage, without which he thinks they cannot be fit members of the church's ministry; in which I am as little agree with him as in the former demand. For if I may judge of the probity, conscience, and courage he thinks as deserving, by what appears in his sermons, compared with his speech to poor lordships, I cannot think them qualifications for a ministry of the church of Christ in any respect, and I hope I shall be so happy as to find all the revered prelates with whom I have the honour to sit, agreeing with me in that. But though I hope such a conduct will never recommend any person to favour; yet I do not doubt that even that which I have only blame, should be punished as much as I think it deserves. And though he who pleads so warmly for wholesome severance towards those who differ from him, has the least talk to your lordships' acquiescence; yet I hope he will find it as far as the just concern you have for the public tranquillity will allow you to show it. — That I say from that which I have said in the natural temper of my mind, and not from the care that has been taken by some to accommodate as far as they could, those who were to have the advantage of the Doctor's cause, and were not thought to be favourable to it.

I shall not take upon me to charge the Doctor or any of his particular friends with this practice, as great a temptation as one is under to do so from several circumstances. And it is not the least, that shown in his property which has been published upon the occasion,

to represent unto such as God as to the world, that he is under persecution, when he is persecuted for affirming against the law, by those who in common justice ought to be thought the fittest witnesses; and before your lordships, who are justly acknowledged to be the most impartial judges. Therefore, I will never believe, till I come and say, that any members of the Church of England who have acknowledged the government, teach him any dogmas — he has in office professed his obedience to it in church and state, should have been any way necessary to those doctrines that have been given out, particularly against such lordships as should happen to condemn the Doctor's proceedings.

"As far, my lords, as I have seen of this matter, I am likely to be one of those lordships, and though I do not pretend to any great share of courage, I am very free to declare to your lordships that I am in no comparison as apprehension of what may befall myself for condemning the person, to I run of what will probably befall the bodies of your lordships should not condemn him. But that it is your lordships' judgment, to which I humbly submit it; And only beg pardon for having detained your lordships so long in giving my reasons why I think the Commons have made good the second part of their charge."

It was then voted, "That the Commons had made good the Second Article of Impeachment."

In relation to the Third Article, the lord Halifax made a short speech, and — to answer all by the lord Denon and the earl of Buckingham. The Fourth Article occasioned a longer debate, which was begun by the earl of Wharton, in the commendation of the present administration.

The Bishop of Salisbury attended here, and spoke with vehemence against Dr. Sacheverell, "who, by meddling against the Revolution, Toleration, and Union, seemed to engage and attack the queen herself, since her majesty had so great a share in the first, and had often declared, that she would maintain the second, and that she looked upon the third as the most glorious error of her reign. That nothing could be more plain than his reflecting on her majesty's goodness, and that he had in particular so well marked out a noble peer that present, by an ugly and poisonous epithet [Villain] (which he would not repeat) that it was not possible to mistake him."

Upon the name of the younger peer fell a laughter, and cried out, "Name him! Name him!" &c.

The Lord Chancellor interposed, declaring, "That no peer was obliged to say but what he thought fit."

The Lord Ferrers said something in favour of Dr. Sacheverell, but was answered by the earl of Hay, and then —

The Lord Haverham made a short speech about that part of the Fourth Article, wherein Dr. Sacheverell was charged with writing and

perverting diverse passages of scripture. He said, "No man on earth has authority to interpret the Scripture, which, he thought, must be interpreted by itself: since the Reformation, we had contended against the Church of Rome, who pretended to that authority — and shall we pretend to dispute the pope of Rome?" And to conclude his speech he desired, that the corrected petition then present would tell the House, "How Dr. Sacheverell could be charged with asserting the scripture?" But none of the Bishops offered to read him. The duke of Manchester, having said something in favour of the Doctor, he was answered by the lord Halifax. The duke of Buckingham, the lord Ferrers, the earls of Beaufort and Abingdon, and the lord Cammerlayne, who were likewise to examine the Doctor's effects, but it was said, "That the Commons had made good the Fourth Article of the Impeachment." However, 23 lords entered their dissent to the question upon the second, third, and fourth Articles — at the close of the debate.

The Lord of Wharton said, "That since the House had resolved, that the Commons had made good their First Article of Impeachment against Dr. Sacheverell, the Lords ought, like become a consensus, to resolve and declare likewise, That the Doctor was guilty of the high crimes and misdemeanors charged upon him." But the earls of Abingdon and Rochester, the lord treasurer, the lord North and Grey, and the lord Ferrers, raising some difficulties, it was proposed, that the question to be voted away had in Westminster-hall should be as follows: "That the Commons having made good the several Articles of the Impeachment against Henry Sacheverell, doctor in divinity, do say and Dr. Henry Sacheverell is guilty of high crimes and misdemeanors."

Accordingly, on the 13th of March, the question being read, the earl of Rochester moved, that the Judges should be consulted but no peer attending that motion.

The Lord Chancery said, "The question, as stated, was not fit to be put in Westminster-hall, because it would subject the conscience of parliament, and preclude the peers from their right of giving their judgment, both of the fact, as well as of the law. For as the common peers might be satisfied as to the fact, but not as to the law, and if they were to give their judgment as the question was stated, their freedom of voting would be taken away. Therefore he moved, 'That the first part of the proposed question be left out.'"

The Lord North and Grey, who spoke next, said, "There is no necessity at putting the question in Westminster-hall, but only in questioning the Commons there, that Dr. Sacheverell is guilty as charged; for how can any peer, that thinks him not guilty (as for my part, I do not) say in the face of the Commons, he is not guilty, and allow at the same time, that the Commons have made good their Articles of Impeachment?"

The Earl of Wharfedale said, "He wondered at the lord Gower's making that motion, since the House had come to a resolution, that the Commons had made good their Impeachment. The question, as stated by the lord chamberlain, did not predicate any peer from his right of giving his judgment; for every lord was at liberty to protest and enter his dissent, if he would not be convinced by the majority of the House, and that the Lords, being in the nature of a jury, ought to debate their opinions freely."

The Lord Ferrers supported the lord Gower's motion, objecting against the possibility of the question as unnecessary, and urging, that it was only the majority of the House, and not the House, that came to a resolution, "That the Commons had made good their impeachment."

By the aid of hand,

The Lord Gower, in answer to the earl of Wharfedale, said, "That the Lords were not as a jury; for every lord was both a judge and a juror. And were peers ought then, Dr. Sachsewell guilty at one part, and innocent at the other, and yet if they were to give their judgments, in this question was stated, how could they do so, he was not guilty, when the preamble was both, that the Commons had made good their impeachment?"

The Earl of Nottingham replied, "That this objection had been much more proper before the House had proceeded to act." However the earl of Nottingham being moved, that the preamble be laid out, the earl of Wharfedale and the rest of the lords, and the lord chamberlain stated the question thus: "Is this question to be put to each lord in Westminster-hall, begins upon the general issue, or, shall he, Dr. Henry Sachsewell guilty of High Crimes and Misdemeanors?" The earl of Nottingham moved, that the words "of high crimes and misdemeanors" be left out, and was seconded by the lord North and Grey. But the earl of Wharfedale said, "That what was offered was unfair, for the Commons having impeached Dr. Sachsewell of high crimes and misdemeanors, and the Lords having agreed and resolved, that that crime was and made good the impeachment, it was very unfair, that he was guilty of the matter, crimes and misdemeanors."

In order to the matter, the Duke of Buckingham proposed, that the question be thus altered, "as the crime and misdemeanors do, and upon that by the impeachment," to which the earl of Wharfedale and Sunderland readily assented, but the earl of Jersey excepted to, and the question, as being complex or complicated.

The Lord Gower pursued the same objection, for the crime he alleged before, viz. "That were peers ought then, Dr. Sachsewell guilty, as were in the crimes charged upon him by the impeachment at the Commons, and in nature of the jury, and upon an instance of an indictment, some single and charges, in which was the jury is not to answer generally,

but particularly to each offence, because the judges pass by the verdict, and dispose the fine accordingly." Therefore his lordship moved, "That each peer should give his judgment severally to each article." To this

The Lord Somers answered, "That the matter of fact was already settled, though every peer might protest and dissent, that the lord Gower's objection, grounded on the instance he brought in of indictments in the courts below, was very improper, because, as his lordship himself had suggested, the Lords are both judges and jury. That, as jury, they ought, in evidence, pronounce the Doctor guilty, though they thought him guilty only of one article. But that the Lords, who did not think him guilty of all the four articles, might, afterwards, as judges, pronounce the pardon void."

The Earl of Nottingham replied, "That, for his part, he thought Dr. Sachsewell guilty of one crime," and moved; that the preamble be left out, and the question put thus: "Is Dr. Henry Sachsewell guilty of High Crimes and Misdemeanors charged upon him by the impeachment?" which was agreed to.

Then a long proposal to consider what answer each lord should give, the lord Halifax said, That, according to the usage of parliament, the Lords ought to answer Content, or Not Content. But the lord Ferrers alledged, "That Content, or Not Content, was not an adequate answer to the question" and both the earl of Nottingham, and the lord Gower, his brother, agreed, "That there were several precedents for Guilty, or Not Guilty, upon any inquiry but did not remember any for Content, or Not Content."

The Lord Mordaunt maintained his assertion, and said, "He wondered, the lord Nottingham did not know there were precedents for Content or Not Content; and answered in the lord Somers's trial, in which the Lords gave their judgment that way."

On the other hand, the lord Gower insisted upon answering Guilty or Not Guilty; and was seconded by the Lord Treasurer, who said, "That there was a difference between the lords voting in their House previously, sometimes in confusion, and their giving their judgments in Westminster-hall; and that the precedent mentioned by the lord Halifax was an extraordinary one, made in an extraordinary case."

The lord Halifax moved for searching the Journals: and the earl of Wharfedale for following precedents. The clerk named so, and read the precedent of the lord Somers's impeachment, in which the peers gave their judgment by Content or Not Content. But the earl of Rochester dissenting, that other precedents might be retrieved, and saying, that there was a difference between the lords voting in their House and in Westminster-hall.

The Duke of Buckingham answered, "That the trial was the same in Westminster-hall, as the Lords were in their House, that they were to do by the bill only, for the appearance

of the place : and therefore the question ought not to be answered, as if they were in the House, Commons, or Not Commons. To this the earl of Dingley replied, "That Common, or Not Common, was a very improper and unparliamentary mode to the question, is Dr. Sacheverell guilty of high crimes, &c. And therefore either the question ought to be altered, or the answer be Guilty, or Not Guilty. Then."

The Lord Rivers continued to show the better-meaning, that might attend the putting the question, as proposed, allying, "That some of the peers there present, might hereafter be impeached, and expect too late the having to do with a precedent of giving judgment generally."

The Earl of Arundel joined the same argument, adding, that if the question was put, and answered generally, the majority of the people would not know what the Doctor was condemned for. To which

The Lord Chancellor readily replied, "That every body would know he was either guilty, or not guilty of the crimes charged on him by the impeachment of the House of Commons." He:

The Earl of Mar insisted, "That every peer ought to be at liberty to vote, guilty, or not guilty to every article; otherwise it might happen, that the majority of the House might think Dr. Sacheverell innocent upon each Article; yet, in the result of a general answer, he might be condemned of all, which seemed inconsistent with the usual method of justice in that House."

The Duke of Buckingham urged on the same side, "That, were the judgment of the House in this case ought to be a declaration of the law, the conduct of the people would be most miserable, to have parliament for high-crimes and misdemeanors, and not have a probability of informing themselves, what the crimes thereby punished were, which they could not learn from the general declaration: and that, this necessarily being the case of a clergyman for preaching, it might create some tears in good men, when they preach some doctrine of the church of England, particularly that of non-resistance."

The Earl of Sunderland calling for the question, the earl of Arundel insisted on the inconsequence of answering generally to it. Whereas,

The Lord Chancellor mentioned four inconveniences that might arise: "First, That clergymen would know, that to preach against the Revolution, was a high crime and misdemeanor; to preach against the Toleration Bill, against the Union; and still, that to reflect on the queen's ministers, and suggest, that the church was in danger under her Majesty's administration, were likewise high crimes and misdemeanors. There, not but lordships, are the only inconveniences, that I can perceive, will attend this judgment." The earl of Wharfedale and lord Grey, for the speakers.

The Duke of Somerset said, "That he did

not think the Doctor guilty of the first article, though he had as great a share as any man in the late Revolution, and would ever go as far as any to vindicate the memory of our late glorious deliverer. That he thought the church safe under her Majesty's administration; but he would not have it made a high crime and misdemeanor to say, that the church was dangerous, because taxes might come, when it might really be in danger." And, in conclusion, he gave assent to the voting Article by Article. The Lord Commissioners, the earl of Arundel, and the earl of Nottingham did the like: but the matter being opposed by some other peers, the Lord Chancellor at last proposed this question, "Whether the Answer to be given by each lord should be Guilty or Not Guilty only?" Which being resolved in the affirmative, then the main question was put, whether it should be asked, "Is Henry Sacheverell, D.D. guilty of high crimes and misdemeanors, charged upon him by the Impeachment of the House of Commons?"

This was likewise carried in the affirmative; when 24 Lords entered their protest, importing in substance, "That the asking every lord to answer generally guilty or not guilty, to a question containing all the Articles of his impeachment, was a kind of taking upon themselves by an unnecessary joining of matters of a different nature, and subjecting them to one and the same determination; and consequently might prejudice the right every peer had to give a free affirmative or negative, more when so thought Dr. Sacheverell guilty of one part, and innocent of the other, would be obliged either to approve what he condemned, or condemn what he approved. 2. They conceived there was at least a possibility, that though a majority of the House was returned to vote on the Articles separately, and might think him innocent upon each Article; yet, by this method of a general answer, he might be condemned of all, which seemed not to be consistent with the usual method of justice in the House. 3. That were the judgment of the House, in this case, ought to be a declaration of the law; the conduct of the people would be most miserable, to have a parliament selected for high crimes and misdemeanors, and not have a probability of informing themselves, what the high crimes and misdemeanors, thereby punished, are. For the people's only guide in the law, and they can never be guided by what they can never be informed of. And that this necessity arising in the case of a clergyman for preaching, it might create some tears in good men, when they preach some doctrine of the church of England, particularly that of non-resistance; and might be made use of by ill men, as an excuse for the neglect of that duty, which upon some occasions is required."

The Doctor voted Guilty. On the 23d of March, above-mentioned, in the afternoon, the Lords and Commons having taken their respective

the writ, and their lordships' House being assembled, the lord chancellor declared, that they had agreed upon a question to be put to each lord severally. And then his lordship having put the question, beginning at the junior baron first, 69 Lords declared Dr. Sacheverell Guilty, and 12 Not Guilty. The lord chancellor, having cast up the votes, declared Dr. Sacheverell Guilty; and the usher of the black-rod having brought the Doctor to the bar, and caused him to kneel down, the lord chancellor told him, That the Lords having, with their usual candour and equity, examined and considered the Articles exhibited against him, with the allegations to substantiate the same, and what had been offered by his counsel and himself in his defence, had found him Guilty of high crimes and misdemeanours charged upon him by the Commons of Great Britain. Then the Doctor, standing up, made a short speech replying, "That not having been suffered to be at their lordships' bar while their lordships were giving their votes; he hoped he might now be permitted to put in a plea, before their lordships passed sentence upon him. That he was moved by his counsel to offer, first, that, by the opinion of all the judges, the particular words, supposed to be criminal, ought to have been expressly specified in the Articles of Impeachment against him. Secondly, that, in the title of the said Articles, the same were said to be 'enforced in the name of all the Commons of Great Britain;' and yet the commissioners of shires, who made part of the Commons of Great Britain, were not concerned with the English commons, and therefore no parliament assembled. Both which he begged their lordships to take into consideration." The Lords, being returned to their House, considered of the Doctor's plea; and resolved, that the same was frivolous, and that they would the next day consider what course to take upon him.

Debate passed upon him. The next debate was, what Course ought to pass upon him. And here a strange turn happened; some seemed to apprehend the effects of a popular fury, if the Cause was serious; so others it was said, that the queen desired it might be mild; so it was proposed to suspend him from preaching for one year; others were for six years; but by a vote it was fixed to 3 years. It was next moved, That he should be incapable of all preferment for three 3 years; upon that, the House was divided, 59 were for the Vote, and 80 were against; so that being laid aside, the Motion was refused to be heard, in the presence of the Lord Mayor and sheriff of London; and this was done, only the Lord Mayor, being a member of the House of Commons, did not think he was bound to be present. The Lords also voted, that the Devises of the university of Oxford, passed in 1683, in which the absolute authority of prelate, and the inalienability of the hereditary right of succeeding to the crown, were asserted in a very high strain, should be burnt with Sacheverell's Sermon.

A List of the Lords who voted for and against Dr. Sacheverell.

Lord Hervey, g.	Earl of Crawford, g.
Lord Gower, n. g.	Earl of Chichester,
Lord Gower, n. g.	by, g.
Lord Halifax, g.	Earl of Portland, n. g.
Lord Haverham, n. g.	Earl of Wharfedale, g.
Lord Herbert, g.	Earl of Craven, g.
Lord Weston, n. g.	Earl of Gwent, g.
Lord Leinster, n. g.	Earl of Jersey, n. g.
Lord Oglethorpe, n. g.	Earl of Oxford, g.
Lord Russell, n. g.	Earl of Brudenell, g.
Lord Dartmouth, n. g.	Earl of Warrington, g.
Lord Ossington, g.	Earl of Scarborough,
Lord Oglethorpe, n. g.	n. g.
Lord Craven, n. g.	Earl of Portland, g.
Lord Cornwallis, g.	Earl of Plymouth, n. g.
Lord Berkeley of Strat-	Earl of Middlesex, g.
ton, n. g.	Earl of Albemarle, n. g.
Lord Lexington, n. g.	Earl of Rochester, n. g.
Lord Bekeham, g.	Earl of Nottingham,
Lord Colchester, g.	n. g.
Lord Byron, g.	Earl of Berkeley, g.
Lord Leigh, n. g.	Earl of Yarmouth, n. g.
Lord Mordaunt, g.	Earl of Bolton, g.
Lord Howard of Es-	Earl of Suffolk, n. g.
sex, n. g.	Earl of Carlisle, g.
Lord Hunsdon, g.	Earl of Argyll, n. g.
Lord Cholmondeley, n. g.	Earl of Newcastle, n. g.
Lord North and Grey,	Earl of Sunderland, g.
n. g.	Earl of Thanet, n. g.
Lord Paget, g.	Earl of Warburton, g.
Lord Willoughby of	Earl of Bedford, g.
Brook, n. g.	Earl Rivers, g.
Lord Fitzwilliam, g.	Earl of Berkshire, n. g.
Lord Ferrers, n. g.	Earl of Manchester, g.
Lord Delawar, g.	Earl of Westmore-
Bishop of Bath and	land, g.
Wells, n. g.	Earl of Denbigh, n. g.
Bishop of Oxford, g.	Earl of Northampton,
Bishop of Peterborough, g.	n. g.
Bishop of Ely, g.	Earl of Leicester, g.
Bishop of Sarum, g.	Earl of Devonshire, g.
Bishop of Rochester,	Middlesex, n.
n. g.	Earl of Lincoln, g.
Bishop of Durham, n. g.	Earl of Pembroke,
Bishop of London, n. g.	n. g.
Lord Viscount Wey-	Earl of Derby, g.
mouth, n. g.	Marquis of Bucking-
Lord Viscount Say and	ham, g.
Seal, n. g.	Lord Chamberlain of
Earl of Albemarle, g.	the Household, g.
Earl of Glasgow, g.	Duke of Devon, g.
Earl of Roseberry, g.	Duke of Rutland, g.
Earl of Bedford, g.	Duke of Newcastle,
Earl of Orkney, g.	Duke of Newcastle,
Earl of Mar, n. g.	Duke of Devon, g.
Earl of Leven, g.	Duke of Devon, g.
Earl of Winton, n. g.	Duke of Devon, g.
Earl of Leinster, g.	Duke of Devon, g.
Earl of Bligh, n. g.	Duke of Devon, g.

Duke of Northumber- land, a. g.	Lord Steward, g.
Duke of Devonport, a. g.	Lord Privy-Seal, g.
Duke of Gloucester, a. g.	Lord President, g.
Duke of Grafton, g.	Lord Treasurer, g.
Duke of Richmond, g.	Archbishop of York, a. g.
Duke of Cumberland and Southampton, g.	Lord Chancellor, g.

[*Saccheverell's Collections and other Books burnt.*] The Commons also, upon a Committee made in this of a book intitled, "Collections of Passages referred to by Dr Saccheverell, in his Answer to the Articles of his Impeachment," ordered the same to be burnt. On the other hand, the Doctor's friends complained in the House, of a Book intitled, "The Ruins of the Christian Church, &c." and a delivery of it, in two parts, with a Letter from a Country-Attorney to a Country Parson, concerning the Rights of the Church; and Le Cheu's judgment of that book in his *Dictionnaire Chretien*. All which were condemned to the flames; as was also a Treatise of the same Person, by John Cheuden of the Inner-Temple. Nor content with that, the Tories moved for an Address for a Fast, to deprecate the divine vengeance, which there was just cause to fear, on account of the horrid blasphemies lately published in the kingdom. Those who supported this motion, thought not only to cast a reflection on the Whigs, as sponsors of such writings, but also to justify what the Doctor had advanced in his Sermon about the danger of the Church, which he had ascribed to the heretical and blasphemous persons lately printed. But their design was easily seen through, and therefore the majority sided to the Address, "many of which blasphemies have again, in a most irregular, extraordinary, and violent manner, been printed, published, and dispersed, throughout the kingdom, to the scandal of good Christians, by Dr. Henry Saccheverell." Upon this address the Tories would have disposed the Address, but it was presented in the quote, who, probably on that account, answered, "That a Fast having lately been observed, she did not think proper to appoint another so soon, but would consider of it at a more convenient time."—As soon as it was known what a mild sentence the Lords had passed upon Dr Saccheverell, those who reported him during his Trial, expressed an inexpressible gladness, as if they had got a victory; but few, however, and other marks of joy, appeared not only in London, but over the whole kingdom. However, much greater effects than these rejoicings were produced by it, as will hereafter be seen.

During the Trial of Saccheverell the following Proceedings took place in the House of Commons.

[*Resolutions upon great Matters.*] January 25. The Commons being now called down, that many of their Members, at that con-

ventual Jaegers, did not attend the service of the House, came to the Resolution.

Resolved, "That such Members of the House, who disattended themselves, without the leave of the House, are to be reputed deserters of their trust, and neglectors of their duty, they owe to the House, and their country."

[*Resolutions with regard to Public Mourning.*] Feb. 2. The motion of a Petition from the citizens of London and Westminster, relating to Public Mourning, which had been referred to a Committee, was reported to the House, together with the opinion of the said Committee thereon, which was contained in the following Resolutions.

"1. That it is the opinion of the Committee, that, by reason of the frequent Public Mourning, many thousands of labourers, employed in the silk and woollen manufactures of the kingdom, have lost their trades and employments, and are become an insupportable burthen to the parishes, whereas they labour, and if a speedy remedy be not applied, it will endanger the loss of the silk manufactures to the kingdom; and as it now enters in a large trade. 2. That the House be moved for leave to bring in a Bill for encouraging and lessening the time of Public Mourning" whereupon it was ordered, That leave be given to bring in a bill for encouraging or lessening the time of Public Mourning. The Bill, however, was thrown out on the 11th.

[*A Plan-Bill passed by the Commons.* *Not reported by the Lords.*] Feb. 4. The Bill for reducing the Freedom of Parliament, by lessening the number of Members in the House of Commons, was read, passed, and sent up to the Lords, where it was unanimously rejected.

[*A Speech pronounced by the said Bill.*] It was upon this occasion, that the following Speech was delivered in the House of Commons:

"Mr. Speaker;

"What I rise up for is to propose a bill, which may remedy the serious concern, that the worthy gentlemen complain of, a bill, on which the safety of the state seems to depend, as much as on the success of the war in which we are engaged. The carrying on the war would be throwing away so much treasure, and so many lives, unless at the same time, that we secure our liberties against a foreign enemy, we cannot prevent the danger of their being undermined at home—All every gentleman's office and employment were added to his name as it called over, every call of the House would put us on considering, whether time or a law is not wanting to leave the number of such members as possess them? And I am afraid it would now appear to you, that they are more numerous than ever, notwithstanding the several bills, that have passed both Houses, and several others that have passed only this House: by which the name of the Commons hath been so often diminished; though perhaps, not so well as it might have been, had we observed the same order, when such petitions are personally concerned, that we do, when one member is, by

obliging them to withdraw. The opposite of these bills have often been so few in number, that they might be only such as were in employment; and if they had withdrawn, the bills might have passed without a single negative.—Though the civil officers should not be threatened, the continuance of the war must make the military officers more numerous and more powerful. Those, who have no other business, depending on the war, than the command of a regiment, have nothing else to do but to make a proper disposition in the clothing of it; by which means such an interest may be made in most of the acquisitions, as no gentleman in the country is able to resist. Provision may be made every day in the old regiments, and new ones raised, and a very great number of those gentlemen falls to this House. The number of such members therefore is so far from being diminished, that it seems likely to increase, as long as the war lasts. The heavier the debt is, upon the nation, the more of those who receive the public money will be less, and impose the taxes, out of which they are paid.—One of the worst and most flourishing states does not allow any town to elect a military officer for its representatives; and though there is no prerogative in that country, from which they can fear an encroachment on their liberties; yet officers are thought to be improper checks on themselves, or on those who recommend them to their employments.—The corruption of the boroughs is grown to such a height, it is necessary to procure a return, and such a history is left by the variety of our own dissensions, that whenever any set of ministers think fit to exert themselves, they may bring in as many military officers, as, together with those who have civil employments, may make up a majority.—I hope we shall be satisfied with ourselves in what we did the other day, when we came to these Resolutions for preventing the danger of arbitrary power. When a majority can be commanded here, despotic power may be established by law, and resistance be made illegal. To render it, at the same time, lawful for the subject to resist, and easy for a prince to become absolute, is bringing the nation into perpetual danger of war between the king and the people. If so many members should be gained here, as to vote a subterranean, resistance might be impossible, though it were lawful. But educating the people would be always able to resist their freedom, it cannot easily be thought more advisable to use the remedy of arms, than to keep our liberties safe in a quiet way. If we take care that there always be a sufficient number here to oppose the ill designs of ministers, there will be never any need of resistance by arms—it cannot be denied, that, in all cases, places, whether civil or military, will have an influence over others. For a member of this House to receive a private pension hath always been esteemed a breach of trust, and a violation of our constitution; and a lord's pension, during pleasure, excludes a man from voting here. That a place

of little trouble, is as valuable as a pension, of the same yearly income, we see by the great crowd of candidates, in every vacancy, and the high prices that we hear are paid for them.—In a common trial, all persons concerned in interest, are not only excluded from being jurymen, but even their testimony is no matter of fact is not thought to be to be credited; and will no ill man, no ill woman, gain nothing by his witness? When a place makes up a considerable part of a man's fortune, is it not plain, that, if the liberty of the subject comes in competition with the prerogative, it will be his own interest to oppose the interest of those, whom he represents? May it not easily happen, that the private advantage of almost every man in office, will be contrary to that of the public? and should a prince become absolute, would they not share amongst them the spoils of their fellow subjects? Is it not their interest more than his, that he should have no control? But allowing that it would not be for the advantage of some, who have great fortunes of their own, to pursue violent measures; yet there may be several cases, in which they may apprehend no great danger in paying a compliance. I hope every gentleman here is satisfied, that, in case of peace, we shall want no greater number of men for guards and garrisons than before the war; but since that establishment hath been increased, a vote must pass, in order to reduce it; and must not many gentlemen, in that case, vote away their own prerogative? I do not at all doubt, that several will do it, but it should be thought proper to increase the number of guards and garrisons, as hath been done in that war, and perhaps without damage to the public (because the great out part of them have been employed abroad), though indeed the precedent seems dangerous) would any gentleman be able to convince such men, as would have their subordination from the state, that the addition of a few more troops than the last settlement would put us up into the hands of the prince? or then, without such an addition, he need not night enable him to compass our destruction? If a proposition for granting a civil list were under debate, and the question should be, whether it should be settled by life, or even limited, would such points be properly decided by those, whose interest were to be paid out of it? Could we depend upon it that men would deduct that part out of their calculation, which would be set aside for their own wages? When men in places are not above being governed by interest, they will certainly be directed by those who prefer things so, that it will be an security to us, that the crown can neither increase nor diminish the number of members, for, as long as it hath the power of raising regiments, and borrowing places and pensions, it may, at any time, take off from those who ought to represent the people, and add to those, who may be inclined to represent the court.—But, if we could suppose that places would never influence men, and their voting here would raise them to more

generous thought than we commonly see in others, I say, if we could be sensible of this, yet we ought to take all possible care to keep ourselves from any imputation of that kind, and consider that the honour, dignity, and power of this House can only be supported by the opinion which those without doors have of its integrity, for it is not enough to be uncorrupt, unless we have the reputation of being so too. It is to the unblemished conduct and character of those, who have sat here before us, that we owe all the advantages we now enjoy by our constitution. When the good name of parliament both declared, their authority both always been considered as proportion; and what can be the weight of 500 gentlemen, who are so small by themselves, as they always will, unless they can convince others, that they are carrying on their interest, as well as their own?—The high opinion, which we all have of the present sovereign, can be no objection to the using our endeavours for obtaining a security against this danger. Were this not entirely in the interests of our people, it would be in vain to hope for any such law. They are never so likely to be obtained, as when they have the least effect. They are only necessary in a bad reign; and when that comes it is too late to think of them.—But I must take the liberty to say, that, notwithstanding the great confidence, which we all so justly repose in the present sovereign, there never was more reason than now, to provide for our future safety. If we had nothing else to seek us, the debt of the nation is heavier than it ever hath been, and then the common-sense ever thought able to bear. The people are extremely weakened by it, and in proportion as the Commons are weakened, the crown advances in its power over them; so, that, although the number of officers here had not been increased, the debt being such as the people were never burdened with before, it supports as more than ever to provide against the danger of any encroachments from the crown.—The landed men are not only harassed in general, but every particular gentleman, the more he feels the weight of taxes, the more he loses of his interest in the country, and the more of that interest is transferred to the persons, who receive their pay out of those taxes.—If we would effectually put the Parliament Succession upon such a footing as cannot be shaken, we ought to convince men that they will be free, when they are under it. They will always be most anxious to defend their establishment, under which their liberties are most secure.—There are few gentlemen here, who have not, at one time or other, even since the Revolution, been sensible how necessary it is for our safety to make some provision in this matter. If every man, who hath any share of that opinion, should have now, a bill for it would pass more unanimously than any, that was ever offered to the House; and if there be some persons, who think our present occasion for the law to come, as well as the present, it is to be hoped, that they will have so

much regard for those, who are of a different opinion, as to remove their apprehensions, and give them some satisfying proof, that our great necessities abroad will effectually prevent any attempt upon our liberties at home."

Petition reporting the Mine-Adventure [Feb. 18. A Petition of several creditors and proprietors of principal mines, assayers, and others in the Mine-Adventure of England, on behalf of themselves, and several widows and orphans, members and creditors of the company of the said Mine-Adventure, was presented to the House, and read, praying, "That leave may be given to bring in a Bill to transfer the Management and Government of the Mine-Adventure into such persons as should be chosen by, and represent the creditors of 185,000*l.*, and by the annuities granted in lieu thereof, and by bonds and sealed bills, subject to such conditions and regulations, with all necessary provision for the payment of the company's just debts; and that the respective persons having estate in the management of the Mine (as in the Petition is complained of) may be excluded from the further management thereof, and may deliver over all deeds, writings, books, papers, officers and accounts relating to the said Mine, upon oath, to the persons that should hereafter be chosen to manage the same, and might make satisfaction for these managements; and that the petitioners might have such other relief (being altogether consistent in the premises shewed) as to the House should seem meet." The consideration of this Petition being referred to a committee, upon their report a Bill was ordered to be brought in, for the relief of the creditors and proprietors of the company of Mine-Adventurers of England, and that the management of the Mine be put in the hands of trustees; which was brought in accordingly, and read the first time on the 18th of March.

Resolution against Humphrey Mackworth [Sir Humphrey Mackworth, who, by the Report of the committee, appeared to have expended a considerable part of the principal money and stock of the Mine-Adventure, having petitioned to be heard by the House, he was on the 25th of March, called in, as was also the counsel for the petitioners, and in part heard, relating to the matters of the said Report. Being withdrawn, a debate arose upon what they had offered, which was adjourned to the 26th, when both Sir Humphrey Mackworth, and the counsel for the petitioners, were heard again; and the further hearing of them put off to the 28th, then to the next day, then again to the 30th, and so to the 31st: when the Commons came to these unanimous Resolutions: 1.st That it appears to this House, that Sir Humphrey Mackworth, deputy governor of the company of Mine-Adventurers of England, is guilty of many enormities and scandalous frauds, and indirect practices, in violation of the charter, granted to the said company, in breach of his trust, and to the manifest wrong and oppression of the proprietors and creditors of the said company. 2. That William Stiles, secretary

to the said company, is guilty of many notorious and scandalous frauds, and indirect practices, in confederacy with the said Mr. Humphry Mackworth, to the wrong and oppression of the said company. 3. That Thomas Dyles, treasurer to the said company, is guilty of many notorious and scandalous frauds, and indirect practices, in confederacy with the said Mr. Humphry Mackworth, to the wrong and oppression of the proprietors, and creditors of the said company."

After which it was ordered, 1. "That the Report from the committee to whom the Petition of the creditors and proprietors of principal money, accounts, and shares, in the *Mine-Adventure of England*, was referred, and also the said Petitioners, be printed." 2. "That a bill be brought in to prevent the said Mr. Humphry Mackworth, Willem Steen, and Thomas Dyles, their leaving this kingdom, and their disposing their estates, until the end of the next session of parliament."—But before the Bill could be brought in perfection, the parliament was adjourned.

Address of both Houses desiring the Duke of Marlborough may be sent into Holland]. Feb. 18. The Commons having been informed by Mr. Gilbert Heathcote, a member of their House, of the advantages made by France, towards the renewing a negotiation of peace, and that the States General were inclined to grant passes to French plenipotentiaries to come to Holland for that purpose, resolved to present an Address to her majesty, That she would be pleased to send the duke of Marlborough forthwith into Holland. The Address being agreed to, was sent to the Lords; and their lordships having readily joined to it, both Houses presented it to her majesty, being as follows:

"Most gracious sovereigns,

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons in parliament assembled, having reason to believe, that the negotiations of peace will suddenly be renewed in Holland, and being justly apprehensive of the early renewing design of our enemies to trouble distress and agitate parties, or by sending them with doubtful expectations of peace, to retard their preparations for war, do think ourselves bound in duty, most humbly to represent to your majesty, of how great importance we conceive it is to the interest of the common cause, that the duke of Marlborough should be abroad in the juncture.—We cannot but take this opportunity to express our sense of the great and unparalleled services of the duke of Marlborough, and with all imaginable duty to applied your majesty's great wisdom, in having bestowed of the same person with the great characters of general and plenipotentiary, who, in our humble opinion, is most capable of discharging two such important trusts.

"We therefore make it our request to your majesty, that you would be pleased to order the duke of Marlborough's immediate departure for Holland, where his presence will be

equally necessary, to meet at the negotiations of peace, and to lessen the preparations for an early campaign, which will most effectually diminish the numbers of our enemies, and procure a safe and honourable Peace for your majesty and your Allies."

The Queen's Answer]. To this Address the Queen returned the following Answer:

"My Lords and Gentlemen, I am so sensible of the necessity of the duke of Marlborough's presence in Holland, at the critical juncture, that I have already given the necessary directions for his immediate departure; and I am very glad to see, by this Address, that you concur with me in a just sense of the duke of Marlborough's essential services."

"The queen's resolution of changing her country had begun to appear very early this year, for in the beginning of January, 1709-10, upon the death of the earl of Essex, she sent to the duke of Marlborough to give her regret to Mr. Hill, a man who had been extremely ungrateful to the duke of Marlborough, and whose wife, Mrs. Masham, the duke well knew, was at that time undermining the interest of herself, her family and friends. The scheme of the queen's new connection to make her mistress quit her service, or engage her to desert them, now shew'd itself without disguise. They durst not tell her at once all they designed; but, proposing to her only one thing at a time, led her, by insensible degrees, to the accomplishment of the whole. They began, as has been related, with engaging her to accompany persons to Holland, without consulting her mistress. And now they prevailed with her to appoint military officers, without advising with her general. And nothing could be more to their purpose, than the choice of Mr. Hill for lord Essex's regiment, because they knew, that nothing could be more disadvantageous to the duke of Marlborough, or would tend more to lessen his weight and authority in the army, and consequently in home too. The new connection saw, that if the duke readily yielded in this matter, it would sow discontent among the officers; and that a door would be opened for his enemies to come into the army, and wound him. And on the other hand, if the duke should not comply, or should shew any reluctance in complying, this would furnish an excellent pretence for previous complaints, that the queen was but a cypher, and would do nothing. Upon the queen's letter, the duke wrote to her, and with all humility represented to her, what a prejudice it would be to her service, to have so young an officer preferred before so many officers of higher rank and longer service: besides, that the shewing so extraordinary and partial favour to Mrs. Masham's brother could be interpreted no otherwise, than as a declaration against all those, who had so much reason to be uneasy with her; and that, indeed, it would be setting up a banner for all the dissipated princes in the way to ruin to. To short, the duke said every thing he

Bill to regulate the trade to Africa. The House having several times in a grand committee taken the Trade to Africa into further

consideration, and with all the moving concern that the nature of the affair created to him, to engage her to change her resolution. But all served to no purpose. He could not draw any kind of expression from her, nor obtain any answer, but that he would do well to advise with his friends.

The earl of Godolphin spoke often to her upon the same subject, representing to her the duke's long, great and useful services, and the very bad instance which her intended favour to Mr. Hill must necessarily have in the army. His master had that in such view as to engage her to say one favourable word about the duke. Whereupon on the 12th of January he left the town, and went to Winchester great discontent. It was council-day. The queen did not ask where he was, nor take the least notice of his absence. His withdrawing himself made a great deal of noise in the town. Many of the soldiers upon with earnestness to the queen of the very ill consequences of mortifying a man, who had done her so long and important services. She answered, that her services were still fresh in her memory, and that she had as much to thank for him as ever she had. The noise, however, well continued and increased, and there was great discourse, not without probability, that some notice would be taken of the matter in the House of Commons, and some votes passed dangerous to the queen and her new councilors. This design was laid to the discredit of Marlborough's charge, but she was enough to the queen to render herself. And indeed it was owing to the duke's particular friends in the House, that no such notice was taken.

The new considerations being altered with apprehensions of what the parliament might do, and believing that they should be able at a proper season, to make better use of the queen's yielding up the point, than of her insisting upon it, gave her advice accordingly; so that on the 25th of January, she ordered the earl of Godolphin to write to the duke, that he might dispense of the request to her himself thought fit; and to desire him to come to town. But before this reached the duke, he had written the following letter to the queen:

"My dear Madam,
By what I have from London, I find your majesty is pleased to think, that when I have reflected I must be of opinion, that you are in the right in giving Mr. Hill the earl of Essex's regiment. I beg your majesty will be so just to me, as not to think I can be so stupid, as to be sensible to the degree that I am, if it proceeded only from that one thing; for I shall always be ready and glad to do every thing that is agreeable to you, after I have represented what may be a prejudice to your service. But these things are of a great many considerations that I have met with

considerations, ordered a Bill for settling the Trade to be brought in, which, after the hearing of the counsel, looks for the Royal Address.

"And as I may not have many opportunities of writing to you, let me beg of your majesty to reflect what your own people and the rest of the world must think, who have been witnesses of the love, zeal and duty, with which I have served you, when they shall see that after all I have done, it has not been able to prevent me against the nature of a bad choice, for women. Your majesty will allow me on this occasion to remind you of what I wrote you the last campaign, of the certain know ledge I had of Mr. Masham's having secured Mr. Harley, that I should receive such great and just acknowledgements, as should enable me to continue in your service. God Almighty and the whole world are my witnesses, with what care and pains I have employed you for more than twenty years, and am resolved, if possible, to have struggled with the difficulties to the end of the war. But the many necessities I have had of your majesty's great change to me has so broke my agreement, that I must beg, as the greatest and best favour, that you will approve of my retiring, so that I may employ the little time I have to live, in making my just acknowledgements to God for the protection he has been pleased to give me. And your majesty may be assured, that my rest for you and my country is so great, that in my retirement I shall daily pray for your prosperity, and that these words shall move you as faithfully as I have done, may never feel the hard return that I have met with."

The queen wrote the duke an answer, expressing some concern at several parts of his letter, desiring him, without entering into particulars, that he had no ground to be in doubt, and desiring him to come to town. But knowing at the same time, that some in court might be made in parliament against Mr. Masham, which might be attended with very disagreeable consequences, she was at as much concern in many persons occasioned by it, as if some great attack was going to be made upon her. This application, and the clearing of some persons, who were inconsistent to the Revolution, gave encouragement to the Jacobites, several of whom were now almost ready to count with facts full of love and affection, as if they were going to get the government into their hands. And this being represented to the queen, she was so much pleased by her sister the Marlborough family with doubtless and means of making all the rights of a real protestant state.

In about a month after this it was, that both House of Parliament and the queen, in order the duty of him, as he was in Holland, to attend to the great affairs of peace, and in case that project did not take effect, to prepare the annual message to the queen. On the 10th of April the Address (as hath been said)

said Twelve the next instant, when it was further prolonged.

"During this winter," continues Burck,
"as I was encouraged by the queen, to speak more freely to her of her affairs, than I had ever ventured to do formerly, I told her what reports were secretly spread of her through the nation, as it she favoured the design of bringing the Pretender, as usual, to the crown, upon a bargain that she should hold it during her life. I was sure these reports were spread about by persons, who were in the confidence of those, that were believed to know her mind, I was well assured, that the Jacobites of Great Britain had, upon her coming to the crown, sent up one Ogilby or Boyne, who was in that service among them, to propose the bargain to her; he, when he was back, gave the party full assurance that she accepted of it. But I had from some of the lords of Scotland, who were then in the secret with the professed Jacobites. The Earl Cromarty made a speech in parliament, as was formerly mentioned, concerning this, and alluding to the destruction of the Compact, made between the secret and the revealed will of God; he assured them, her queen had no secret will, contrary to that which she declared; yet at the same time his lordship gave the party assurance to the contrary. I told the queen all this, and said, if she was capable of making such a bargain for herself, by which her people were to be deceived up and snatched after her death, as it would destroy all the glory of her reign, so it must set all her people to consider of the most proper ways of removing themselves by bringing over the Protestant Successors; in which, I told her plainly I would counsel, if she did not take sufficient notice to extinguish these jealousies. I told her, her ministers had sworn her with due fidelity, and such notice, that her making a disagreement then would expose all the world. The glory of queen Elizabeth's reign arose from the firmness of her counsels, and the continuance of her ministers; as the three last reigns, in which the ministry was often changed, had suffered extremely by it. I also shewed her, that if she suffered the Pretender's party to propose the crown, for her succeeding her, she ought not to imagine, that when they thought they had fixed that matter, they would stop the further pursuit of her life, but that they would find ways to destroy it, nor did I think it was to be doubted, but that in 1703, when the Pretender was upon the sea, they had had some conferences here who, upon the news of his landing, would have used to dispatch her. It was certain, that their secret led them to it, as it was known that their principles did allow of it. They, with a great deal more to the same purpose, I had before the queen; she heard me patiently; she was for the most part silent; yet, by what she said, seemed desirous to make me think, she agreed to what I said before then, that I should shew

Principal Occurrences during the Reign—The Duke of Somerset sends Lord Chamberlain—The Queen's Letter this day to the Earl of Godolphin—The Earl's Answer—The Earl of Godolphin dismissed—The Lord Dartmouth made Secretary of State—The Tories chased of the Change—The Whigs returned at it—The Bank interested in favour of the Ministry—The Earl of Godolphin dismissed—Southwell's Propositions taken—The Parliament dissolved—Other Changes in the Ministry—The Low Treasury of London changed—Progress of the Election.

"The duke of Somerset," says Todd,
"who had voted for the acquittal of Sacheverell, was appointed Lord Chamberlain in the room of the deceased of Kent, who was made a duke. The duke of Somerset had gone out of England, towards the end of the reign of king William, thinking, as he gave out, that a warmer climate was necessary for his health. He staid several years at Rome, where he became acquainted with a Roman lady; who, upon his leaving Rome to return to England, went after him to Augsburg, where she overtook him, and declared herself a Protestant; upon which he married her there, and came with her back to England in 1706. Upon his return, the Whigs lived in odium with him; but they thought his leaving England, and his being so long out of it, while the nation was in so much danger, and his strange marriage, gave just cause of suspicion. The duke of Marlborough and the lord Godolphin lived still in friendship with him, and staid to welcome the princess, that the Whigs had of him; for they generally believed, that he had advised king William in the change, which he made in his ministry towards the end of his reign. He seemed not to be concerned at the discourse, in which he was kept from home; but, as was observed above, in the trial of Dr. Southwell, he left the Whigs in every vote, and the change of his principles, which he had discovered by this, was imputed to a secret management between him and Mr. Harley with the new favourites. But, before the queen declared her intention for giving him the Lord-Chamberlain's staff, she thought fit, for some ends, and perhaps to cover her further design, to communicate her resolution to the earl of Godolphin, who, being then at Newmarket, wrote a letter to the queen; in which her majesty wrote with her own hand, on the 15th of April, the following answer:

"I am sorry to find by your letter, you are so very much in the spleen, as to think you cannot, for the future, communicate any thing towards my quiet but your wishes. However I will still hope you will use your endeavours. Never was there more occasion than now;

which it had no effect upon her; yet I had great quiet in my own mind, since I had, with an honest freedom, made the best use I could of the secret I had taken."

"I am all business and war every day, as I am at present, I think not one respect to my private satisfaction, I am sure, for my duty, I shall be ready to join with all my friends in every thing, that is reasonable, to bring the house and business, that is in this poor nation. Since you went to Newmarket, I have received several assurances from the duke of Shrewsbury of his readiness to serve me upon all occasions, and be willing to resign to my service, which offer I was very glad to accept of, having a very good opinion of him, and believing he may be of great use in these troublesome times. For these reasons I have consented to part with the duke of Kent, who, I hope, will be easy in this matter, by being made a duke; and, I hope, that discharges will meet with your approbation, which I wish I may ever have in all my actions. I have not yet declared my intention of giving the staff and the key to the duke of Shrewsbury, because it would be the first that should acquaint you with it."

"The Lord Treasurer, who well understood the meaning, and foresaw the consequences of such a change, wrote to the queen the following letter :

"Newmarket, April 15, 1710.

"I have the honour at your majesty's letter of the 14th, by which I have the great to find that what you are pleased to call upon in my former letter, was only a true impulse and reason of mind, that your majesty is obliging yourself to be guided by your own sense and discretion, as that as it is possible for them to compass it, to whom you seem so much to bearken—I am not therefore so much surpris'd, as concerned at the resolution which your majesty says you have taken of bringing in the duke of Shrewsbury. For when people begin to be sensible, it would be difficult to persuade your majesty to dissolve a parliament, which for two sessions together had given you above an millions a year for the support of a war, upon which your crown depends; even while that war is still continuing, and how had the attempts to contrive this proposal to your majesty, which, in its consequence, will certainly put you under a necessity of breaking the parliament, though contrary (I you believe) to your mind and intention.—I beg your majesty to be persuaded, I do not say this out of the least prejudice to the duke of Shrewsbury. There is no man, of whose capacity I have had a better experience; nor with whom I have lived more easily and freely for above twenty years. Your majesty may please to remember that, at your first coming to the crown, I was desirous he should have had one of the chief posts in your service, and it would have been happy for your majesty and the kingdom, if he had accepted that office. But he thought fit to decline it; and the reasons generally given at that time for his doing so, do not much recommend him to your majesty's service. But I must

endeavour to let your majesty see things as they really are, and so bring him into your service and into your business at this time, just after his being in a public open competition at every vote with the whole body of the Tories, and in a private constant correspondence and meddling with Mr. Harley in every thing, what consequences can then possibly have, but to make every man, that is now in your cabinet divided, except—, in his mind, as they would from the plague? And I leave it to your wisdom to judge, what effects this entire change of your ministers will have among your other abroad; and how well this war is like to be carried on, in this opinion, by those who have not only opposed and obstructed it, and who will still oppose the longer, than as it does in France at liberty to take their time of imposing the Pretensions upon that country.—There is no doubt, that certainly make Holland run immediately into a separate peace with France, and make your majesty lose all the honour and all the reputation your arms had acquired by the war; and make the Kingdom lose all the fruits of that war, expenses, which they have been at in this war, as well as all the advantage and victory, which they had so much need of, and had so far a prospect of obtaining by it. And every body knows, that, after to grant a dis-empowerment to the Kingdom, there will not be an inquiry into the causes of it; and who have been the occasion of so great a change in your majesty's measures and councils, which had been so long successful, and gotten you so great a name in the world? I am very much afraid your majesty will find, when it is too late, that it will be a pretty difficult task for any body to stand against such an inquiry. I am sure, if I did not think all these consequences inevitable, I would never give your majesty the trouble and vexation of laying them before you. But persuaded as I am, that your majesty will find them so, it is my indispensible duty to do it, out of pure fidelity to you, and out of your majesty's service and honour. Your majesty's having taken a resolution of so much consequence to all your affairs, both at home and abroad, without consulting the duke of Marlborough or me with it, will after you had taken it, is the best part of my misfortune in this whole affair, though perhaps the world may think the long and foolish services we have continually and unthoughtfully undertaken to do your majesty, might have deserved a little more consideration. However, for my own part I must humbly beg leave to excuse your majesty, I will never give the least obstruction to your measures or to any measures you shall please to employ. And I must beg further, to make two humble requests to your majesty: the one, that you will allow me to pass the remainder of my life always out of London, where I may find more ease and quiet. The other, that you would keep the letter, and

made ready about next Christmas, and then I will make your own judgment, who shall reward you the best and most faithful.

Her father made no expression upon her marriage, two days before she returned to her father's house in her chamber, delivered, on the 14th of April, the said and lay to the Duke's secretary, who gave her accordingly, private assurance, that her principles were the same they had been during the last year, and were in no respect altered. Upon which he desired to enter into conference with them; but there was not too much ground given for it.¹

About the opening of June, the Duke of Turing, at the call of Sunderland² from

London, received a bill of Sunderland, residing at South or North, Charles I. and James II. Queen Anne sent him an embassy, and made him a messenger for the Union; and when he was left at all the universities, she found him a person, which he nobly refused. George I. to whom he was previously known before his accession, raised him immediately to the highest office in the state, and gave him the order of the garter; and he was thought to have gained the same reward; yet the good of George I. in his father had prevailed over this offer of James II. He died April 29, 1719, a man said, fortunately for the House of Hanover, being no inclination to stem in his father's will to the House. He had been one of the council, given of the state, privy seal, vice treasurer of Ireland, secretary of state, president of the council, first commissioner of the treasury, twice lord justice of England under the king, but he retired so entirely disgusted, that nothing could have induced him to resume the great office; he had suggested these different was the conduct to that of his son Thomas Lee, who is created, by letter, to Queen Anne, to restore him to his employment, that great duchess, whoaring it as he expressed himself, 'upon her knees.' On the contrary at the court of Sunderland there is no such state. The machinery of the one, much as needed. The other died, fortunately, perhaps, for his reputation. It is, however, to his loss, that, with all his opportunities, he never increased his personal influence. His looking down and despised learning, and his extreme library, was selected with great judgment: the university, Aristotle, Augustus, and others of Henry VIII. and, Duke of Northumberland, Duke of John, Duke of Marlborough; and finally, daughter and son-in-law of the formidable Ferdinand Tschirnhaus. By the way he had only a daughter by marriage, 'Liberty, fourth wife of Sunderland, Charles, the fifth earl, who dying unmarried, was succeeded in that title by his brother, who became, by natural descent, Duke of Marlborough: a soldier as good as great. The duke's power depended also from his own lips. By the last alliance were several children: the youngest was posthumous. He is

the poet of secretary of state, began to be called so. As soon as the design reached the Duke of Marlborough, who was then abroad, he laid in the way, he wrote a very long letter to the queen, representing the very consequences it would necessarily have upon all other persons, to have a woman, against whose fidelity nothing could be objected, and moreover an able and virtuous confidante, turned out of his service in the middle of a campaign, and leaving it in a review of his best past services, that she would at least deliver her resolution of the campaign was ended. The duchess of Marlborough was likewise urged by some friends to try to say something, to divert, if possible, such a stroke; because it was given out, that the queen would do this chiefly on the duchess's request, that she might feel the effects of her displeasure in as sensible and tender a point. No consideration, proper to herself, could have induced the duchess to trouble the queen again after that her conversation had been avowed by the consideration of the Duke of Marlborough, the earl of Sunderland, and the public interest, and wrote to the queen, on the 7th of June, 1710, begging, for the Duke of Marlborough's sake, that her majesty would not give him such a blow, of which she dreaded the consequence; putting her majesty in mind of her letter about the Duke, upon the victory at Blenheim; and adding the most solemn assurances, that she had not so much as a wish to remove Mrs.

Lee, the eldest of them, dying at two years of age, only two days after the earl his father, was buried with him at Hampton: his death was owing to having had 'the small-pox received upon him.' Mackay describes Lord Sunderland as being 'very fair complexioned, and of a middle stature.'³ Noble's *George*.

It seems to have been the earl of Sunderland's fortune to have learned his driving from his uncle, and his politics from his tutor (Dr. Tennant). It may be thought a blemish in his character, that he has much fallen from the height of those republican principles, with which he began; for in his father's life time, while he was a member of the House of Commons, he would sit, among his dissolute friends, refuse the title of lord, (as he has done to himself) unless he would never be called otherwise than Charles Spencer, and hoped to see the day when there should not be a peer in England. His understanding, at the best, was of the moulding sort, neither has he much improved it, neither in reality, nor, which is very unfortunate, even in the opinion of the world, by an expression of theory. It is hard to decide, whether he learned that rough way of treating his sovereign, from the lady he is allied to, or whether it be the mark of his own nature. The noise of the injuries he has done, renders him (as it is very naturally) implacable towards those, to whom he has given greatest cause to complain; for which reason, he will never forgive either this queen or her present treasurer.⁴ *Jack's First Last Years of the Queen.*

Madison said that all the money which had been asked for the relief for that purpose had been exhausted by the date of Marlborough's departure at that time. To this the queen wrote a very short and harsh answer, complaining, that she did not find her presence of any service, any thing of politics or of this, of that, and concluding, that it was plain from all of which, what she was to expect for the future. On the whole upon this correspondence, in which she returned her answers, that she should not have troubled her with the first, but that she had heard it reported, that the protestation, began against the date of Marlborough and her family, was chiefly occasioned by her majesty's displeasure and concern to her, so having pronounced an address against Mrs. Madison that it was only to convince herself from that appearance, that she had presumed to trouble her majesty, that she could not imagine it could be interpreted as an offence, to retract herself from what was now made the pretence for springing out the earl of Sunderland, and pushing the date of Marlborough to extremities: that she had no reason to think, that the assuming her majesty, that she would never have any hand in any thing against Mrs. Madison, could have been construed as an imputed speaking about her, or called a continuation of all usage: that she thought she was rather complying with her majesty's instructions, and saying what she could not but approve: that all the politics in her letter was her concern for the date; and to say for her request, that her majesty would only date the blow till the end of the campaign. Thus (she added) it is lodged upon her back, and left her majesty to judge, whether, after such an expression, it was likely that she should ever ever say any thing that could displeasure her.*

* Whether the duchess's interfering in this

affair perhaps it may be conjectured, that if on the dissolution of Sunderland, which is so very to be followed by other changes, notwithstanding the positive assurances of the queen to the contrary, Godolphin and all his friends had instantly resigned their places, and if the date of Marlborough had given up his command of the army, so numerous and bold a measure would have deprived the queen, and alarmed the Tories. Under these suppositions she could not have ventured to make a sudden and total change, she would probably have been checked by the apprehension of alienating the whole party of the Whigs, who then formed a large majority in parliament, and of depriving the treasury men, many of whom made the public credit personal to Godolphin, and desiring to advance money upon the faith of the nation, offered it upon her single word. She would have dreaded the resentments of the Emperor and the Dutch, who had just considered the great success of the war as principally owing to the military talents of Marlborough. Such was the opinion of

many, but the execution of it was, as it was known; but it is certain, that it did not readily, for Lord Sunderland was, on the 14th of June, summoned the others, and the next day, the next day, to the Lord Dartmouth, one of the lords commissioners of trade and plantations, and ten or twelve to the earl of Newcastle.

The High-Church party were much pleased and elated upon this alteration, which they looked upon as a sure forerunner of greater changes; "extending the gates for widening her just prerogative, and setting herself free from an arbitrary power, who kept her in an inglorious dependence on their will and caprice." And it was said, the date of Somerset, being about that time come to court, to pay his respects to her majesty, told her, "That he was extremely glad he could now make her queen." On the other hand, the Whigs were the more alarmed, so the best part of their wealth was lodged in the Exchequer and public funds, and so they rightly considered, that the removal of the earl of Sunderland was but a step to come to the lord-treasurer, in whose capacity, punctuality, and integrity, the treasury was supposed to rely with confidence, and they thought, that his being laid aside would very much affect the public credit, as it immediately did. Whereupon, Sir Gilbert Heathcote, governor of the Bank of England, Nathaniel Gould, deputy-governor; Thomas Eyre and Sir William Scawen, two of the directors, made their application to the date of Newcastle, lord privy-seal, to whom, having represented the dangers likely to attend the change of the ministry, the date instructed them to stay the queen, who told them, "That she, for some time before, had resolved to remove the earl of Sunderland for particular reasons of state; but that she had not yet determined to make any other change; and, whenever she should, she would take care that

Walpole; and Sir Richard Temple, afterwards lord Cobham, expressed his sentiments in favour of a general resignation, in a spirited letter to his friend Walpole, with whom he corresponded, and by which he had been strongly recommended to the date of Marlborough. But, both Walpole and his brother Henry Scawen and himself, that the Whigs, instead of adopting this measure and easily contented, would be divided among themselves, and that several would listen to the insidious assertions of Harley. In effect, that ardent minister flattered them with the hopes, that the parliament would not be dissolved, and representing the danger which would threaten the constitution and religion, should their whole body desert the queen, he used the remarkable expression, "That a Whig game was intended at the bottom," and that his great object would be to promote the Protestant Succession. These representations and promises had a due effect, and helped to break the phalanx, which had it remained firm and compact, might have been invincible." *Carter's Walpole.*

the public credit might not be injured thereby." Upon this it was reported, the queen had declared, she designed to make no more alterations in the currency, which immediately restored the public funds to their former value; but they soon began to fall again, and many foreign merchants, who came from England, upon a strong report, that not only the former measure would be laid aside, but even the parchment declared.

"On the 24th of August, the very day after the queen had expressed her desire to the earl of Oxford to borrow, that he would compose in her service, she dismissed him; and her intent on order to him to break his staff, was sent by no messenger a messenger than a man in a livery, to be left with his lordship's porters. The queen indeed confined to those, who communicated with her upon this occasion, "That she was sorry for it, but could not help it." The next day it was declared, that the queen had appointed earl Pease, Mr. Robert Harley, Mr. Henry Paper, or Thomas Hume, and Mr. Robert Barnes, Commissioners of the Treasury. Though earl Pease was the first in form, Mr. Harley* was the person with whom the

work was lodged; and it was visible, he was the chief minister, being at the same time made chancellor and under-treasurer of the Exchequer, in the room of Mr. Smith, who was afterwards made a Lord of the Exchequer. And now it appeared, that a total change in the currency, and the dissolution of the parchment, were intended.

"In the mean while Dr. Sacheverell, being presented to a lectureship in North Wales, went down to take possession of it; as he passed through the counties both going and coming, he was received and followed by such numbers, and accompanied with such insipidities, that his progress in that province has not been more run after than he was. Great fury and violence appeared on many occasions, though care was taken to give his followers no sort of provocation: he was looked on as the champion of the church; and he showed as much civility on that account, as his party did folly. No notice was taken by the government of all these tumults; proceedings they were rather encouraged than checked. All this was like a prelude to a greater scene, which was to be acted at Court.

"* Robert Harley, esq. son of sir Edward Harley, bart. was born near Covent Garden, London, Dec. 5, 1681, and educated at St. John's, near Oxford, in the same. He was first chosen member of parliament for Troway, and afterwards for Radnor. He became Speaker of the House of Commons in 1701, which dignity he held during three successive parliaments. In April 1704 he was sworn of the privy-council, and in May following one of the principal Secretaries of State to queen Anne. In 1709 he was constituted a commissioner of the Treasury, and chancellor and under-treasurer of the Exchequer. In March 1711 he recovered a suit with a posthumous son of Antoine de Guesard, a French refugee, while under examination of the privy-council. On his recovery he was advanced to the passage by the stile and title of baron Harley, earl of Oxford, and earl Mortimer, and appointed Lord High-Treasurer of Great Britain. In 1712 he was elected a knight companion of the order of the Garter, and installed in Windsor the year following. After the death of queen Anne his lordship's error of judgment involved a check, and he was suspended by the House of Commons, on June 10, 1713, on high-treason, and high-crime and misdemeanors. On July 13 he was committed to the Tower by the House of Lords, where he suffered a severe confinement till July 4, 1715, when after a public trial he was unanimously acquitted by his peers. After his lordship's discharge, on May 21, 1724, a splendid character was given of him, which may be seen in Collins's *Portrait*; and Pope has embodied his memory with some dying verse, in a dedication equal to *Pope's* panegyric, which were published after earl Oxford's representations to the House, and his subsequent return into the country,—where he was

"Pleased to escape from history to wit,
yet to rise, and the "poet of reason," and we duly read, at present too.

"It was so dearest thy retreat is made;
Thy Muse attends thee to thy silent shade:
"Tis here, the lowly man's latest steps to trace,
Revenge his acts, and dignify his name.
When Nature calls all for her working time,
And all th' ob'dig'd desert, and all the vain;
She waits, or in the scaffold, or the cell.
When the last improving friend hath bid farewell,
He's new, she sends the evening walk with bags,
(No lasting sin, no provision to prove),
He's new, she sends the parting rep,
Does the cold remnant of thy vacant day,
Through Fortune's cloud one truly great one see,
Not fears to tell, that Mortimer is he."

"I have such a portrait of this peer, we naturally infer that he was a very great as well as good man: yet he has been represented by others as very remote from either goodness or greatness; and particularly by lord Bolingbroke in his letter to sir William Windham, where the portrait given of him is not only mean but odious. It may therefore be reasonable to suppose that lord Oxford had his alloy of infirmities, notwithstanding the fine things said for him; and it is equally reasonable not to believe all that a great minister has said against him, especially after they had disagreed. He appears to have been a great encourager of literature; and the greatest collector in his time of all curious books in print or manuscript, especially those concerning the history of his own country. He was also a person of taste and learning, under which character we find a proposal addressed to him by Swift, for collecting, improving, and ascertaining the English tongue." (*Swift's collected edition of Oxford's Noble Anarchy*, vol. 8 p. 328).

"The queen in September came to council, and called for a proclamation to dissolve the parliament," which Sir Simon Hastings (made Attorney-General in the room of Sir James Montague, who had quitted that post) had prepared. When it was read, the lord-chancellor†

"Mr. Harley, with whom the queen chiefly consulted about the new arrangement, was probably desirous to unite with the principal members of the Whig administration, upon the condition of their agreeing to maintain the compelling the allies to a strict performance of their engagements, and of their listening to reasonable terms of peace, by which it was intended, that every possible security should be obtained for the Protestant succession. Agreeably to this system, the queen at first demanded only a few of the Whigs, and when those who still remained in office absolutely refused to agree to any compromise or condition, and even put her majesty at defiance, by refusing to assign any pretence for maintaining their power, her private views immediately were turned to make a complete change of her ministers, and thus necessarily led forward to a procedure and unexpected dissolution of the present parliament, which probably did not enter into the original plan of her wisdom. The Junta had the entire command of the House of Commons; and a reliance upon its support, still more than the passage of the allies, inspired them with confidence of being able to render the schemes of the new minister abortive, and of soon restoring the supreme direction of affairs. The dissolution of parliament a loss could baffle their hopes; and as she was an unprejudiced sovereign, and disapproved of by some private lords promoted, who had the greatest influence with her majesty, they were the less apprehensive of its being carried into execution. In these expectations, however, they found themselves disappointed. Proclamations were issued for dissolving the parliament, and calling another to meet on the fifth November." *Scotsman*.

† William Cowper, not soon after being called to the bar, was appointed one of King William's counsel, he succeeded Sir Nicholas Wingham, as lord-keeper of the great seal, Oct. 11, 1703; was created baron Cowper of Striglam, Nov. 3, 1706; and appointed lord-chancellor, May 4, 1707; which post he held till Sept. 14, 1710. On the accession of King George, he was again appointed lord-chancellor, and, on resigning the post and, was created viscount Fordeach, and earl Cowper, March 12, 1717-18. He nobly refused to accept new-penn-golds from the council at law, which had long been given to his predecessors, and what is still more to his honour, refused and opposed the destructive measures of the South Sea bubble in 1720. He died Oct. 20, 1765.

"Ambrose Phillips composed a long ode on his death, which thus speaks of his uncorrupt judicial character:

Cowper offered to speak; but the queen rising up would admit of no debate, and ordered the writs for a new parliament to be put on ready.

"In the sale of justice were
Sold out as horses,
It was the tragedy which sought
With justice given. Of what word
Assuredly handed by his to find,
And no unjudged where, because a new design.

"Collins explains the poet's intention by observing, that Earl Cowper was the first who refused the new year's gift, which former lord-chancellors received from the court, thinking it a custom which tended to corruption, and his example has been followed by all his successors in that high station. Mr. Howard relates, that when it was required for Richard Grenville to appear as the prosecutor, respecting the case of *Harley*, the former lord-chancellor Cowper ordered a chair for him to come, and desired him to keep on his hat, and Mr. Harley observes, 'that his knowledge, eloquence, and political importance, compared to approaching the man who added the name of Cowper to the list of English nobles.'" *Park's Oxford*, vol. 4, p. 104.

"The lord Cowper, although his merits are dearer than the rest, deserves a rank in the great council. He was considerable in the station of a passing lawyer—but, as he was raised to be a chancellor and a peer, without passing through any of the intermediate steps, which in law terms had been the common practice, and little skilled in the nature of government, or the true interest of prince, further than the municipal or common law of England; his abilities, as to foreign affairs, did not equally appear in the council. Some former precepts of his were thought to derogate from the chief office, by which he was to be the guardian of the queen's conscience; but these difficulties were easily surmounted by the nature of his promotion, who wanted a person that would be subservient to all their designs; whereas they were not disappointed. As to his other accomplishments, he was what we usually call a piece of a scholar, and a good logical reasoner, if that were not too often eluded, by a falterous way of managing an argument, which made him apt to deceive the country, and sometimes to deceive himself." *Swift's Four Last Years of the Queen*.

"On his resignation, Lord Chancellor Cowper behaved with uncorrupted firmness and honour. He rejected with scorn, all the overtures which Harley made, in the most humble and supplicating manner, to induce him to continue in office. When he waited on the queen to resign, she strongly expressed her confidence, and retained the seals three weeks, after he had laid them down. At last, when she could not prevail, she commanded him to ride thence, adding, 'I beg it as a favour of you, if I may use that expression Cowper could not refuse to obey her commands; but after a short pause, taking up the seals, he said that he would not

About the same time she dismissed the last Somerset,² and, in his room, made the earl of Rochester lord president of the council. She sent to the duke of Devonshire for the last-steward's staff, and gave it to the duke of Buckingham. Mr. Boyle† was removed from the post of Secretary of State, and Mr. Henry St. John had the rank. The earl of Darby was dismissed from being chancellor of the Duchy of Lancaster, and was succeeded by the lord Berkeley. Upon all these removals, the Lord-Chancellor came, on the 22d of September, and delivered up the great seal. The queen did not expect this, and was surprised at it, and, not knowing how to dispose of it, she, with unusual solicitation, pressed him to keep it one day longer. The day following, having considered the matter with her favourite Mrs. Masham and Mr. Harley, she received it very readily. At first she committed it to the custody of three lords-commissioners, or Thomas Trevor, chief-justice of the Common-pleas; Mr.

carry them out of the palace, except on the pretence, that the order of them would be accepted on the morrow. 'The arguments on my side,' so use the words of lord Comper himself, 'and professions, and the repeated importunities of her majesty, drew this sentence into the length of three quarters of an hour.' On the following day, his resignation was accepted, and soon afterwards the seals were given to sir Simon Harcourt.³ *Carle's Walpole.*

"Sept. 20. To-day I returned my visits to the duke's daughters, the richest drabs came up to my very mouth in white rae; then I heard the report confirmed of removals, my lord-president Somerset; the duke of Devonshire, lord-steward, and Mr. Boyle, Secretary of State, are all turned out to-day. I never remember such late steps taken by a Court. I am almost shocked at it, though I did not care if they were all hanged. We are astonished why the parliament is not yet dissolved, and why they keep a matter of this importance to the last. We shall have a strange winter here, between the struggles of a cunning provoked discontented party and the attempts of one in power, of rank which I shall be no ridiculous spectator, and surely very passably in Ireland, when I have done my part in the affair I am concerned with, whether it succeeds or no." *Swift's Journal in Swift.*

† Youngest son of Charles Lord Clifford. He was appointed Chancellor of the Exchequer to King William in March 1702; and was much esteemed by that prince. He continued in that post till Feb. 12, 1707-8, when he was made one of the principal Secretaries of State, in which service he remained till September 20, 1710. On the accession of George 1, Mr. Boyle was created lord Ludlow, and soon after made president of the council. He died unmarried, March 16, 1714-5. To the recommendation of Mr. Boyle and the friendship of lord Halifax, Mr. Addison was selected for his last appointment by lord Godolphin.

Robert Tracy, judge of the same court, and Mr. Scroppe, master of the Exchequer in Scotland, but it was soon after given to sir Simon Harcourt. The earl of Wharton delivered up his commission of lord-treasurer of Ireland, which was given to the duke of Devon⁴. The earl of Oxford, first commissioner of the Admiralty, withdrawn from that board; but the other four commissioners, sir John Leake, sir George Byng, Mr. Deshayes, and Mr. Stephens, were continued; to whom were added sir William Drake and Mr. Arbuth. Mr. George Grenville, a near relation of the earl of Eglar, was appointed Secretary at War, in the room of Mr. Robert Walpole,† and Mr. Masham

"Sept. 21 Every day we expect changes and the Parliament to be dissolved. Lord Wharton expects every day to be out. he is working like a horse for dissolution; and, in short, I never saw so great a ferment among all sorts of people." *Swift's Journal.*

† Walpole acted on this occasion as his reasonable and disinterested part. In the work of this great administration, Harley, desirous of obtaining in power several of the Whigs, with a view to counterbalance the credit of sir John and Hanover, who already began to gain his advantage, endeavoured to gain Walpole. He made very flattering advances, told him that he was worth half his party, and pressed him to continue in administration; but all his efforts proved unavailing. Harley finding at last that promises and flattery were employed without avail, had recourse to threats. Having, one of his confidential ministers, who was afterwards master of the customs, informed Walpole, that the treasurer had in his possession a note for the conquest of foreign, induced by him, this information was made in such a manner, as to imply, that if Walpole would come over to the new ministry, this note should not be produced against him. But he, on his distrustful of menaces thus before he was regardless of promises, expressed all contempt. In a later passage, on the 19th of September he observes to his friend general Stanhope; 'I believe, on all probability, that will be the last letter I shall write from this office. We are in such a way here, as I cannot describe. But you can imagine nothing worse than you will hear. The parliament is not yet dissolved, but this week will certainly determine it. Dear Stanhope, God prosper you, and pray make haste to us, that you may see what we will not believe if we were told you.' A few days after writing this letter, he retired from the office of secretary at war—Harley, however, was not repulsed by the first refusal of Walpole to support his administration. He had too much success with many of the Whigs not to exert every effort to gain a man whose talents and eloquence he held in the highest estimation. He induced him to continue in his place of treasurer of the navy, several months after the Whig ministry were entirely routed. He sent several messages, and held several con-

the queen's carriage arrived, on the return of Mr. Robert Hargrave, and Mr. Arthur Mordaunt made her one of the best commentaries of words and illustrations. Mr. Robert Hargrave, an intimate acquaintance of Queen Anne, was appointed an ambassador, in the name of Mr. Hyde, who, on the 3th of May, had kissed the queen's hand, and been brought, in order to be made one of the judges of the Queen's bench, in the room of Mr. Henry Gould, deceased; and Mr. Edward Mordaunt was made attorney-general. Dr. Robinson, dean of Windsor, who of late had given a great confidence with Mr. Lloyd, was nominated to succeed Dr. Hall, deceased, in the bishopric of Eborac; and Dr. Lloyd was named to succeed Dr. Hall, deceased, in the see of St. David's. The duke of Hamilton was appointed lord-high-constable of the county palatine of Lancaster; the earl of Portmore was made commander in chief of her majesty's forces in Portugal, in the room of the earl of Galway; the lord Warburton advanced in the post of lieutenant-general, and general Webb made governor of the life of Wight.

"So various and so entire a change in the ministry" is scarce to be found in our history,

various with him, to persuade him to moderate his opposition against the new measures; but his constant answer was ' Make a wife and a honorable peace, and preserve the Protestant Succession, and you will have no opposition.' *Queen's Whig.*

"These were not any event in the minds of the country attended with great disagreeable consequences in England, or followed by more fatal effects in Europe in general, than the dissensions of those great men, who formed that glorious and successful administration in the reign of Queen Anne, called, by way of distinction, the Whig administration.—The regret at their fall is still further heightened from the consideration, that it was commenced by the seducing temper of a mistress of the senate, [duchess of Marlborough], and principally effected by the petty intrigues of a bed-chamber woman, [Abigail Hill, Mrs. and afterwards lady Masham], against her benefactors. The surprising influence which the duchess of Marlborough had acquired over the weak and irresolute mind of the good queen Anne, is well described in that extraordinary Apology or her Conduct, which the duchess gave to the public. We there find a picture of the most proud temper, heightened by the captivating manners of an spoiled, but agreeable woman; a person, replete with high notions of regal dignity, and a most exact observer of forms, drawing off all respects, and corresponding with her favourite, under the less known names of Morley and Freeman. We find the duchess, after having rejected the influence of her mistress by the most unbecoming attention, relapsing into gross neglect, and gradually making a favour. We find her at the same time either not perceiving, or refusing to correct her errors, and even from herself, the decline of her ascendancy, and in-

especially where men of great abilities had served with such zeal and success, that the insincerity of all others, both at home and abroad, in their hands, was an extraordinary exception, but had raised the admiration of all Europe. All this rose partly from the great credit of the new favourite, and the queen's personal esteem to the old ones. The queen was much delighted with all these changes, and seemed to think she was freed from the shadow, which the old ministry held her in. The opinion of it is several persons as a captain, which she had been long under. The duke of Somerset had very much alienated the queen's mind from the old ministry, but he was so displeased with the dissipation of the parliament, and the new model of the ministry, that, though he continued more true master of the house, he refused to sit any more in council, and complained openly of the measures, which had been used to make him instrumental to other people's designs.

"On the 11th of September, the queen went to Hampton-court, being the same day ordered the seals to be put in a commission for removing the intemperance of the city of London; in which several Whigs, who were in the tower, were left out, and Tories put in their places. This new commission was chiefly designed, both to present Mr. Gilbert Henderstone, an adherent near the chair, and governor of the bank (who had given offence to the court, by his application to the queen as favour of the late ministry) from being chosen lord mayor, and to strengthen the interest of the High-church party in the choice of parliament-men for the capital city, which generally has a great influence upon other elections. But that commission was spent too late to have the intended effect, for the election for a lord-mayor coming on the 24th of September, according to custom, the majority appeared for Mr. Gilbert Henderstone and Mr. Robert Boscawen; and though a poll was demanded, and great interest made by the Tory party for Mr. Richard Hoare, yet the two first had the majority of votes, and, being on the 5th of October, returned by the Common-council, the count of adherents, on the 11th, chose Mr. Gilbert Henderstone lord-mayor for the year ensuing, but at this point he had had previous ju-

crossing the digest at the open by her rule and insincerity behaviour. Unfortunately, the duchess of Marlborough had so much credit and power with the duke, her husband, and Godolphin, that to remove her it became necessary to remove the minister, even when she persisted to strong an influence. The useful and manly manner by which Mrs. Masham supplanted the duchess of Marlborough, is also related in this Apology, which may be called a manual of court intrigues; and her conduct with Morley, are detailed in the writings of Swift, who derived his information on that subject, from the most respectable authorities." *Queen's Whig.*

tice done him, there having been an agreement, made some years before between the aldermen of London, to choose him, who was next the church, in giving addresses and debates. On the 14th of October the queen's court were for a new institution was opened in Old St. Paul's, where Mr Samuel Garrod, then lord-mayor, Mr Francis Child, Mr John Parsons, Mr Robert Bevington, Mr William Wilkins, and Mr Richard Harris, were chosen colonels of the six regiments. About a fortnight after the new constituency of London presented an Address to the queen, who took that opportunity to deliver them, "as they had great reasons of their own, that they would use their endeavours to support the public credit." It was expected, that this recommendation would have had a good effect, and engaged the Tory party in the city, either to advance money to the government, or to use their greatest endeavours to support the public funds. But neither of these happened, and so the Bank, East India, annuities, and other stocks continued sinking, which gave the country so small assistance; the nation, because some bills of exchange, drawn from France for remittance into Spain, happened at the juncture to be presented. Mr Harley, the new chancellor of the exchequer, sent his agents into the city, who found means to engage several rich merchants and bankers, particularly Mr. John Lambert, a French refugee, to supply the urgent necessities of the government.

"By this time the election for parliament was over in several places, and by the first returns it appeared, that amongst the new members, the number of the Whigs was now equal to that of the Tories; which, as was then given out, answered the expectations and demand of the new managers. For having gained

their chief aim, which was to remove the late Lord Treasurer and his friends, it was by many believed, that they designed to carry things over between both parties, and therefore waited only for such a majority of the High Church in the House of Commons, as might counterbalance the new scheme; and when, on the other hand, they might easily check by means of their own divisions, if an unreasonable zeal for the church should prompt them to make any motions against the Toleration. If this was the real intention of the new ministry, as of Mr. Harley in particular, the chief author of the late change, it soon appeared, that they were either mistaken in their conjectures, or disappointed in their waiting; and the new members of the High Church party far outnumbered those of the contrary side, which, besides the influence of the court, was owing to several other causes. For, in the first place, many of the Whig gentlemen, who either could not be induced to return, or that the last parliament would be dissolved, all the while was given, or who, in case of a dissolution, thought themselves secure of being re-elected, had kept cool making no return; while those, who designed to oppose them, had ready taken all the necessary measures to carry their point. Secondly, the ferment, raised by Dr Sacheverell's trial, was now rather increased than abated, being industriously fomented and propagated throughout the Kingdom, in order to influence elections; which it did effectually, and in a more subtle manner, in the cities and boroughs, through which that divine had made his triumphant progress to the scaffold. Thirdly, all the inferior clergy, a few excepted, thinking themselves attacked through the side of Dr. Sacheverell, were more than ordinarily zealous and diligent in promoting the interest of such, as they thought best affected to the church; not only without any regard to the necessary qualifications of personal merit or estate in the candidates, but in several instances, in breach of the canon laws in general, strenuously opposing their own parsons and benefactors. Besides a course, for some months, of very inflicting sermons, they went about from house to house, pressing their people to show, on this great occasion, their zeal for the church, and not to desert or over it. They also told them, as when old hands the queen had been Lapa, as it is called, and that it was a charity, as well as their duty, to free her from the power, which the late ministry retained over her. In the last place, there was a vast concourse of such multitudes brought together, who believed themselves in so happy a manner, that it was not safe, and in many places not possible, for those, who had a right to vote, to come and

"Oct. 3. This morning Defaul came to see me, and we went together to see Kneeller's, who was out in town. In the way we met the electors for parliament-men, and the noble dower about our coach, crying 'a Colt,' 'a 'Roundtop.' So we were chief of a dead cat, or our glasses broken, and so were always of their side." *Swift's Journal*.

"Oct. 6. We saw how duly of elections; and, as a lot I am presently of about twenty, there are twice as light more Tories than in the last parliament, so that I believe they need not fear a majority, with the help of those who will vote at the court places. But I have been told, that Mr Harley himself would not let the Tories be too numerous, for fear they should be insolent, and kick against law; and for that reason they have kept several Whigs in employment, who expected to be turned out every day. As Mr John Hallam the compromiser, and many others." *Ibid.*

"Oct. 23. I am about the new country and a court to last about money, the Whigs talk us, it would give over the sphere; and I am afraid of paying Mr. Harley out of his money. They think he will never carry through

this undertaking. And to see what will come of it, I should be greatly obliged to see things come round again: it will run the church and church for some time. I hope for better." *Swift's Journal*.

give their votes for a Whig. Open violence was used in several places. This was so general through the whole kingdom, all at the same time, that it was visible, that the thing had been concerted for some time, and the proper methods and tools had been prepared for it. The influence of the mob was, in a particular manner, remarkable in the election for the city of Westminster; where Mr. Medlicott and Mr. Cross being set up by the High-Church party, some of those, who offered to give their votes for their competitors, general Stanhope and an Henry Dutton Cole, were knocked down and wounded, which obliged many of their party to retire home without polling; so the two first candidates had a vast majority. The Whigs expected, that the election of the city of London would balance that of Westminster; and indeed, the first day of the poll, these candidates had a considerable advantage, but such industry was used by the other two, and the address of the High-Church party, in bringing many citizens upon the lists, and engaging their votes, that upon closing the books, Mr. William Widdows, Mr. Richard Hoare, Mr. George Newland, and Mr. John Cross, all four of that party, having the majority of votes, were declared duly elected. After the poll was ended, there were extraordinary rejoicings throughout the city, by illuminations, bon-fires, ringing of bells, &c. and the tumultuous mob were so excited and enraged against those, who seemed not to participate in the jubilee, that they broke all the windows they saw unlighted, without distinction, so that many houses of the church party were damaged, as well as those of the Whigs, and in particular that of Mr. Richard Hoare, one of the four, five weeks before, the mob was guilty of a still greater instance of outrage: for, as Mr. Gilbert Beaumont, one of the Whig candidates, and two-mayor elect, was going out of Guild-hall they not only assailed him with atrocious language, but one of them threw his stick

" Though the Tories had boasted, that some of the managers against Dr. Sacheverell would be zealous members of parliament, yet, notwithstanding the utmost endeavours, that was used to prevent it, no Joseph Jekyll, no Peter King, Mr. Lushington, and Mr. Walpole, were returned; as was also general Scudamore for Gloucestershire, though he lost his election at Westminster; however, there were few Whigs returned, against whom petitions were not offered; there were in all about a hundred, and, by the first separation the majority of the parliament, the majority stands it appears, that they intended to show the House of all who were suspected to be of that party. As for the elections in Scotland, the 16 peers returned were the dukes of Glencairn and Athol; the marquess of Annandale, the earls of Marischal, Eglington, Mar, Lothian, Hume, Kinnaird, Ker, Galloway, Roxburgh, Dalrymple, the lord viscount Belsham; and the lord Belchingsay and Murray. And the elections of the Commons were much upon an equal floor between Whigs and Tories.

FIRST SESSION OF THE THIRD PARLIAMENT OF GREAT BRITAIN.

Let of the House of Commons.] Nov. 26, 1710. The day the New Parliament met at Westminster. The following is a List of the Members of the House of Commons.

A. Law of the House of Commons in the Third Parliament of Great Britain, which met November 25, 1710.

[illegible]

[illegible]

Walsingham,	Blackburn,
James Hancock,	Sr Francis Dalwood.
Thomas Baskin,	Robert Norton.
Worcestershire,	Windsor,
Sr John Woodcock,	George Bridges.
Sr William Brought,	Thomas Lewis.
Warwick Town,	Windsor,
Francis Gurn II,	Richard Tapscott.
Dorsetshire County,	Charles Aldworth.
Worcester,	St Albans,
Thomas Ellis,	Charles Thompson.
Sr Robert Ersk,	Peter Robinson.
Wells,	St Albans,
Gloucestershire,	Sr Richard Hill,
Edward Goulson,	Robert Hyde.
Windsor,	St Albans,
Sr Roger Hill,	Sr Thomas H. West,
Gloucestershire,	William Goulson.
Windsor,	St Albans,
George Wild,	Richard Goulson.
Sr William Forster,	Edward Playdell.
Wells,	Windsor,
John Bush,	Sr Roger Bromdough.
Henry Dymond,	George Kenna.
Windsor,	Worcestershire.
Henry Dymond,	Sr John Broughton.
Francis Dymond,	Samuel Price.
Windsor,	Windsor,
Sr Charles Hedges,	Samuel Price.
Arthur Maymaring,	Thomas Wythe.
Worcestershire,	Worcestershire (New).
Thomas Mollod,	Richard Parton.
Thomas Cross,	George England.
Worcestershire,	Worcestershire (New).
James Graham,	Henry Holmes.
David Wilson,	Sr Gilbert Doherty.
Worcestershire,	Worcestershire.
Maureen Astley,	Lord Darnley.
Reginald Marshall,	Sr Arthur May.
Worcestershire,	York City.
Frederick Thury,	Sr William Robinson.
Thomas Vernon,	William Master.

Wm. Bromley, Speaker.

Mr. Bromley chosen Speaker.] The Commons went up to the House of Peers to attend her majesty, who was pleased by the Lord Keeper, sr Francis Haward, to commend them to return to their House and choose a Speaker. And the House being returned, sr Tho. Hanner proposed, William Bromley*, esq. might be their Speaker; being a gentleman of undoubted

loyalty and affection to her majesty's person, and government; and to all the just rights and prerogatives of the crown; conscious for himself, and unfeigned and for the Protestant Succession to the house of Hanover, and his firm adherence to the church of England as by law established, and one, who, by a long service in parliament, had acquired great experience in the rules and orders of the House, and had also given the world an equal experience of himself, that nothing could ever draw him from the true interests of his country, and was discreetly and heartily affected to the common cause of the present war,—like Mr. George Pitt said, that Mr. Bromley was as well known to every gentleman present, and had in former parliaments given so many testimonies of his zeal and address for the service of the queen, and

Light of the Bath. A man of great mind, and highly respected; who was chosen representative in parliament for the university of Oxford, in 1704, and in every succeeding election, till 1713 inclusive. In 1708 his friends proposed him for Speaker of the House of Commons, when party ran extremely high, and he was supported by the Tories; but his speech gained it by a majority of 44. Though he failed of success, it did not injure his interest either in or out of the House; and, on the change of the ministry, in 1710, when the Whigs were expelled from administration, he was chosen Speaker without opposition. His great house of the Tory and Jacobite interest, died February 18, 1726, at Beggington. In the reign of queen Anne he had been highly esteemed, respected, and honored: his majesty having called him to the great council and appointed him secretary of war. In that of George I. he retained his principles. Mr. Bromley was a most respectable character in private life, and of a grave and solemn aspect. He was well known, when a young man, by the publication of his *Travels*; in which his Jacobinical sentiments were strangely marked. He had the misfortune of losing his eldest son, and his youngest, Clarendon Bromley, esq. who married Dorothy, daughter of William Bromley, esq. of Heli castle in the county of Worcester, a family from which descend the baronet Mountfort, of Hornchurch in Cambridgeshire. The lady re-married John Jaques, of Hayes in Middlesex, esq. Noble's Commonwealth of George I.

* Nov. 13. I was to-day to see the parliament meet; but only saw a great crowd; and Ford and I went to see the books at Westminster, and remained so long I was forced to go to an eating-house for my dinner. Bromley is almost Speaker without contradiction. Do you understand these two words? And Pombey, called Bill's black, designs to read a memorial for the fortitude. I am engaged to see my interest for him, and have spoken to Patrick to get him some votes. We are now all engaged for the queen's speech, — but she will say about receiving the subsidy, — &c. — *Black's Journal.*

* The northern Scotch peers returned to the parliament were as follow, viz duke of Hamilton, duke of * Argyll, marquess of * Anandale, and * Moray, and * Eglington, earl of Marr, and of Loudoun, earl of * Home, earl of * Roxburgh, earl of Northesk, earl of Orkney, earl of Rosslyn, earl of Isla, viscount * Killybeg, lord * Dalmeny, lord * Montgomerie. The next marked words, were not of the last parliament, but were chosen instead of the same following, viz duke of Monmouth, duke of Berwick, marquess of Lonsdale, earl of Chesham, earl of Rutland, earl of Wyndham, earl of Lonsdale, earl of Bedford, earl of Glasgow.

+ * The next hon. William Bromley, of Beggington in Worcestershire, was, I believe, the son of an * William Bromley, of that place;

country, that it would be ready in him, to present every way doing of his merits, and therefore he should only humbly beg leave to second the motion. Whereupon Mr Bromley stood up in his place, and acknowledged the great honour, that was done him, to be named for such a station; that he had received many assurances of the friendship of these gentlemen, that had proposed him, and to that imputed their entertaining a better opinion of him, than he deserved, but that he was conscious of his own inability to execute the same, and so excused, there were many among them later for the choice, that he hoped, they would consult the interest of the public, and their own honour, and choose a more worthy person, that the House taking upon him to do the chair, he was conducted to it by an Thomas Hawker and Mr. Fox; and being upon the lower step, expressed his request, that the House would please to excuse him, and choose a fitter person to be their Speaker. but the House crying, No, no, he said, he hoped, they would then give him leave to comply with her majesty to excuse him, and requested them to make a better choice. And thereupon he sat down in the chair.

The Speaker's Speech on being presented to the Queen [Nov. 27] Her majesty, being seated on the throne, commended the gentlemen either of the black rod to let the House of Commons know, it was her pleasure, that they attend her personally, in the House of Peers. Who being come, they presented William Bromley, on whom they had chosen to be their speaker, for her majesty's royal approbation.

Then Mr Bromley spoke as follows: "May it please your most excellent majesty, The English, citizens, and burgesses of Great Britain, in Parliament assembled, in obedience to your majesty's commands to them to choose a Speaker, have unanimously elected me to be their Speaker. They have many among them such fits for this great trust. And therefore, that a public service may be well discharged by want of abilities to discharge it, I am an humble suppler to your majesty, that you will be pleased to excuse my undertaking it, and command the Commons to make a better choice."

Then the Lord Keeper (or Simon Hartcourt")

"Hartcourt was of a family of Norman extraction, the head of which was due de Harcourt in France. He was son of the valiant Sir Simon Hartcourt, the first who died in the cause of Charles I. in Ireland. After studying in Pembroke college, Oxford, he went to the Inner Temple from 1666 to queen Anne's accession he was member of parliament for Abingdon. Her majesty knighted him in June 1702, and appointed him her collector-general, and in April 12, 1706, attorney general; but for some unknown reason he resigned this office February 18, following, and, together on it may be, by a dangerous paroxysm attended in court. This act is unprecedented, nor has it been ad-

vised." Mr. Bromley, her majesty commended me to tell you, she well approves the choice her Commons have made of you, to be their Speaker. And that she does so little doubt of your ability, as she can of your integrity. Her majesty therefore does not think fit to admit of

used. At the Death of Sir Sacheverell, in 1703, he was the leading counsellor in his defence; Dad and Piappa assisted him. "They freely" acknowledged the lawfulness of resistance in extreme cases, and plainly justified the Revolution, and our deliverance by King William; but they said it was not to be a bar to assume such an exception, that the duties of "nobility ought to be delivered in their full extent, without supposing an extraordinary case," and therefore Sacheverell had followed precedents, set by our great divines, ever since the Reformation, and ever since the Revolution. The custom, however, of employing an *advocate*, prevailed here upon the point which he had raised, made him lord keeper, October 18, and on September 2, 1711, created him Baron of Sturton Harcourt, in Cheshire; and April 7, 1713, declared him Chancellor, Lord Harcourt being an eminent person as ever adorned the high station he filled, George I. prudently made him one of the lords justices until his arrival in England, though he was known to be freely sworn to Bolingbroke; however, he supported his loyalty to the government, and was rewarded for his fidelity by the dignity of a viscount, and appointed a lord of treasury, and a privy counsellor. He preserved his reputation unshaken to his death, which happened July 25, 1727, in the 65th year of his age. By the first of his three wives he had three, his last appointed, who dying before his father, Simon he was succeeded on the title, what a contrast to the earl of Harcourt. Lord Harcourt was a member of the Old Saturday Club. Lord Rivers, Mr. Secretary St. John, Mr. Harley, afterwards lord Oxford, and Sir, 1701, when Harley had retired from the wheel given him by Harcourt. Such was in 1711, "I take the agreement of the present some up to several of the agreement of three great men, Lord Keeper, Lord Treasurer, and Mr. Secretary St. John, and so I have told them, historic just and ancient, and two of them separately with more modesty, and I think they deeply love each other their differences are not of a weight to break their union," but enraged at lord Harcourt's after joining the Whigs, as he accused them, he afterwards called him a usurper." *Nobles's Character of Oranger.*

"Was any man more modest in his possession than the present lord keeper?" [Sir Simon Harcourt, afterwards lord Harcourt, was made lord keeper upon the resignation of the lord Chancellor Compton, "as more distinguished by his eloquence and great abilities in the House of Commons" and will not his talents after long to be fully equal to the great station he now fills? But does it need be granted, that

is your custom; but since of, and confirm, you to be Speaker."

Then Mr. Speaker said, "Most gracious Sovereign, since your majesty has not been pleased to allow my success, but to approve the choice your Commons have made, of it is my duty to submit, and render your majesty my most humble thanks for that great and undeserved favour—I am very sensible, the only gratitude I can pretend to, towards the discharge thereof, are a sincere and steady affection for our happy establishment in Church and State, with an undaunted and undivided for your majesty's person and government. But since your majesty commands me to this service, I shall think my duty, your majesty will pardon all my involuntary failings, and accept my faithful endeavours. I am persuaded, your majesty will find that you are not disappointed, for considering it is in power, your good subjects had given you signals, of their duty and affection; that they have done such service in representing them in parliament as will effectually support your majesty against all your enemies; that we would defend all articles to decency or detraction in public credit, and enable your majesty to bring that just and necessary war, in which you are engaged, to a safe, honourable, and speedy conclusion. I do, in their names, humbly present to your majesty their accustomed petition for their ancient rights and privileges, particularly, that, in their better dependence on the crown, they and their necessary servants may be free, in their persons and estates, from arrests and impositions. That they may have liberty and freedom of speech in their debates. That as often as there shall be occasion, your majesty will visit them according to their royal power; and, that their proceedings may at all times remain in yourable consideration, and be free from interruption."

Then the Lord Keeper, by her majesty's command, further said, "We, Speakers, Her majesty is so fully satisfied of your faithful affection to her service, that she is pleased to say, she will, on all occasions, make the most invaluable consideration of all your words and actions, in the execution of your duty. And that, as to the vote you have made in the name of the House of Commons, she is so very well pleased of their temper and wisdom, as well as of their loyalty and zeal for the present establishment in church and state, that she readily grants and allows all their privileges, as fully as they have been at any time granted or allowed by any of her royal predecessors."

He is wholly ignorant in the speculative, as well as practical part of polygamy; he knows not how to metamorphose a sober man into a lecher; he is no benefactor as religion, nor has courage to be patron of an atheistical book, while he is guardian of the queen's conscience. Although, after all, to speak my private opinion, I cannot dispel those such mighty objections to his character as some would present."

South's Register, No. 27.

The Queen's Speech on Opening the Session.
This day, her majesty opened the Session and the following Speech is both House:

"My Lords, and Gentlemen; I have, by calling this parliament, made appear the confidence I place in the duty and affection of my subjects. And I trust you have with the greatest satisfaction, having no reason to doubt but that I shall find such returns as will add more to my own friends, and thereby strengthen the hopes of our country.—To this end, I shall recommend to you what is absolutely necessary for our common safety.—The carrying on the war in all its parts, but particularly at Spain, with the utmost vigour, is the chiefest concern, with God's blessing, to procure a safe and honourable peace for us and all our allies, whose support and interest I have truly at heart.—For this purpose, I must ask from you, Gentlemen of the House of Commons, the necessary supplies for the next year's service. And let me put you in mind, that nothing will add so much to their efficacy as unanimity and dispatch.—I cannot without great concern mention to you, that the Navy and other Officers are burdened with heavy Debts, which so far affect the public service, that I must earnestly desire you to find some way to remove their burdens, and to prevent the like for the time to come, the service of parliament, in satisfying former engagements, being the certain way for preserving and maintaining national credit.—I am sensibly touched with what my people suffer by this long and expensive war, to which when it shall please God to put an end, the flourishing condition of my subjects shall be as much my care, as their safety is at present."

"My Lords, and Gentlemen; The eyes of both House and nation are upon you. The way to give spirit to the war, and to defeat the restless malice of the enemy, is to proceed in each manner as becomes a British parliament.—I shall, in the plainest words, tell you my intention; and I do this with the greatest satisfaction, because I depend upon that being agreeable to you—and are resolved to support and encourage the Church of England, as by law established. To preserve the British constitution, according to the Union. And to maintain the Indulgence by law allowed to dissenting consciences. And, that all these may be executed to purpose, I shall employ none but such as are hearty for the Protestant Succession in the House of Hanover, the interest of which hardly any person can be more truly concerned for than myself.—These are my resolutions; and your continuance with me in a steady pursuit of them, will best manifest your zeal for our religion, for the interest of our country, for your own safety, and for my honour."

The Lords deliver theirs.] Nov 25. The Lords agreed upon the following Address:

"We, your majesty's most faithful and loyal subjects, the Lords spiritual and temporal in parliament assembled, pray: for humble and hearty thanks, for your majesty's most gra-

ance and excellent Speech as opening the proceedings, and particularly for the great confidence your majesty is pleased to place in the courage and abilities of your subjects.—We cannot be too far from the highest importance to carry the war with vigour on all its parts, and particularly in Spain, in order to procure a safe and honourable peace; with your majesty ever and ever assured, we shall pursue all reasonable methods to that end. And we heartily hope, your majesty's great council will require all your allies to join with your majesty in doing *Quid visum* to the same purpose.—We have the happiness to agree entirely with your majesty, in the several resolutions you have declared to plainly and affectionately to your parliament; and we think ourselves obliged to repeat our thanks for your majesty's great care to transmit the Messages of your royal commands, by sending the Protestant Ambassadors in the House of Commons.—We cannot also but have a particular satisfaction in the assistance your majesty has given, in manner and courage, the church of England as by her established which is the truest support of the monarchy, and the strongest defence against popery.—We have no more to add, * but that we shall carefully endeavour, in all our deliberations, to proceed with due humanity and discretion as may give the greatest weight to them; and to secure your majesty, this nothing shall be wanting on our part, to satisfy the world, that, with an undivided zeal, we will constantly defend your majesty's royal person, honour, and rights, in which our safety and happiness is much dependant."

[*The Queen's answer.*] Her majesty gave this answer.

"My Lords; I am very glad to find I have

* "The queen, in her Speech, took an entire of the success of the campaign, as she had always done in her former speeches; and instead of promising to maintain the Toleration, she said she would maintain the *habeas corpus* granted by her to scrupulous consciences, this change of phrase into *Sacramento's* language was much objected. The Lords made an Address of an odd composition to her, which showed it was not drawn by those, who had given their former Addresses instead of promising, that they would do all that was possible, they only promised to do all that was reasonable, which seemed to import limitation, as if they had apprehended, that unreasonable things might be asked of them. And the conduct was not a very solid strain of rhetoric, they ended with saying, "They had no more to add." The Commons were more hearty in their Address; and in the end of it, they reflected on some late practices against the church and state. There were few Whigs named, against whom persons were not offered, there were in all about 100, and by the 15th of Feb, the majority made it appear, that there wanted to clear the House as well, who were suspected to be Whigs." Burnet.

your confidence in the resolutions I declared to you, and give you thanks for that Address, as full of affection to me, and tend for the public good."

[*The Common Resolution for an Address.*] Nov. 22 The speaker reported the Queen's Speech to the House, whereupon it was unanimously determined, "That by virtue of her Majesty's commands, to secure the humble thanks of the House for her majesty's most gracious Speech I on the 10th, and assure her Majesty, that the House would heartily concur in all things she did, which her majesty had been pleased to recommend. That the House would affectionately and gratefully join the assistance applicable to her majesty's carrying on the war, till such a peace might be obtained, as her majesty should judge to be best and reasonable; a true religion, and all her allies; that the House would give credit and establish the public credit, and in all respects answer the expectations of those they represented, and show her Majesty her majesty had confidence in the duty and affection of her people."—The Resolutions being taken,

Mr Thomas Hume moved, "That in the said Address, they should represent to her majesty, that the most effectual way to give spirit to her troops, and defeat the restless malice of her enemies, would be by demonstrating all persons on each party as, and sending all persons of each tendency, as might weaken her majesty's tale and government."—this motion was carried on all debate in which

Mr Lechmere said, "That they ought likewise humbly to caution her majesty against such measures and principles, as might weaken the confidence of the crown in the dissenting House of Burgoyne, and weaken the hopes of the Protestants." No member offering to second Mr Lechmere,

Mr Harley, Chancellor of the Exchequer, stood up, and said, "That though the Protestant Secession was already sufficiently established and secured by several acts of parliament, so that a second resolution to add any thing to them; yet, were a motion to be made in favour of the dissenting House of Burgoyne, it would look strange both at home and abroad, the same should drop." Whereupon it was resolved, That the Chamberlain by Mr. Lechmere should be desired to withdraw the Address, which was done accordingly.

[*The Common Address.*] Nov. 23. Sir Thomas Hume reported the said Address, which was as follows.

"Most gracious Sovereign; We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain, in parliament assembled, as partially appear before your majesty, to return our most humble thanks for your most gracious Speech from the throne. We bring the thanks of your whole people, whom your majesty has made happy by that conduct, you have been pleased to place in their duty and affection, and we bring out our most sincere assurance, that we will make all such

returns, as shall convince your majesty, that your confidence has not been misplaced.—We are satisfied, we lie under all possible obligations, both from our duty to your majesty, and the care we owe to our country, affectionately and speedily to grant the necessary supplies, for a further prosecution of the same in different parts, and expediently as possible. Thus we shall study to be most useful to you, as may best answer the public service, and by next year be done we suppose; and therefore we shall continue to do, till such a period may be chosen, as your majesty, or your excellency, shall judge to be safe and beneficial to your subjects, and all your affairs.—We have no reason to doubt of your majesty's care in every thing that concerns the welfare and welfare of your people, but we think ourselves obliged, in answer to our fellow subjects, and in order to make them have more quiet and comfortable breathings, we will most willingly to let upon them, more liberally in future; your majesty that you will please to continue your protected industries with all your abilities, then they may exert themselves in the common cause with the colonies equal, and not proportionally so, ours.—The benefit of these happy labors, which give to our people such a valuable example, will be more than made up by your generous contributions. We shall continue to be united the source of this great industry to you, a remedy valuable to it. The houses and persons of parliament shall by no be available to our ends, and all such other measures, as, by which the public credit may be preserved, and established.—Your spiritual Congress are truly sensible of your majesty's wisdom and goodness in these resolutions, which you have declared; and do most hearty consent to all, which you have been pleased to recommend to them.—We return your majesty our most humble thanks for the fine situation you have given, both by your words, and by your actions, of supporting and encouraging the Church of England, as by law established.—As we are now sent of that Church, we cannot but be heartily concerned for its progress, and for its honor, and are by all means, and possible, resolved to secure its doctrine, discipline, and worship—as we are fellow Christians, and fellow subjects, with these Protestant Dissenters, who are so unhappy to entertain scruples against conformity with our Church, we are desirous, and determined, to let the arguments upon that religious, which the law hath allowed them.—As we are likewise, it is our common interest, and shall be, to report ourselves, in passing that Union between the parties Great Britain, on which the unity of the whole depends—as we are lovers of our excellent constitution, both in Church and State, and whereby, that our posterity may be as happy as all Europe yet, as we ourselves, to remain under your majesty's most happy government, we shall always willingly assist in the Parliament to be convened in the House of Commons, and be most ready to present our desires, which they therefore that

settlement, so necessary for the preservation of our religion, laws, and liberties.—There are many, truly worthy your majesty's patient care, as do with all hearty respect to your majesty, that the most effectual way to give up to your friends, and defend the nation making of your government, and by doing so, all persons of such principles, and in doing so, measures of such conduct, as may witness your majesty's faith and government, the setting out of the means in the different House of Commons, and all other principles, and measures that have lately dominated your royal crown and dignity, and which, whereas their power, will prove fatal to our whole constitution both in Church and State.

The Queen's speech.—Her majesty said the Queen.

"*Godness*; I am extremely well pleased with your Address, and I shall be glad to see the measures, you give me, of your concern in all the particulars I have been intended to me.—You may depend upon my constant assistance, those principles are agreeable to our constitution in Church and State.

Condemned Address—Bridley Church.—*Mr. J. The Commons* spent more of their time in that as a great many Petitions about commercial distresses, the most remarkable of which was in relation to the return of Bawley in the county of Worcester, and persons to the hearing of the same, that that distress, the Commons resolved to present an Address to the queen, that the several Papers relating to the Charter of the said borough, might be laid before the House, and to bespeak the favour of the Commons for Mr. Worsington, the following Speech made in the House some two years before, against the new Charter of Bawley, was published and distributed.

Mr. J. Puckington's Speech respecting the *Bridley Charter*.—*Mr. John Puckington said*—

"*Mr. Speaker*, I did not intend to have troubled you this session, and I believe it will be of little purpose now. For if a gentleman stands up to complain of grievances, although the House cannot or needs to redress them, he is represented as a person that obstructs her Majesty's business, if he finds fault with the measures, he is said to reflect upon the queen; if he speaks against the continuance of the war, to prevent the progress of the nation, to prevent the necessary and ordinary measures, to prevent the progress of the nation, then he is to be considered of her Majesty's service and encouragement. This, Sir, is the case now brought in, and this is the freedom of speech you were pleased to call in the opening of the session, and which of right belongs to every member of the House.—I stand in the room, when such treatment as these would not have been ordered or endured, but we are under silent and constrained power, and if ever these measures are put in, it is in the time to see better us.—But, how great power the de-

corporations are to freedom of speech, I think myself obliged, as an English gentleman, who never will comply with an arbitrary authority; as a member of this House, who hath been always and now to support the constitution of parliament; as a neighbour to this borough in the year next before last, I am bound with just reason to stand by, when the integrity of my country, or any part of it, seemed to be touched. For though the equity may be left to be tried by one single man, or one single society of men, yet the liberty, the safety, and consequence of it, reaches unto all. We have had a late illustration of dangerous meddling with heres, in a new Charter forced upon an ancient corporation, at the single instance of a single lord, without a surrender of the old, contrary to law, to reason, and the right of the petitioners thereof; which they refused to accept, so being inconsistent to their former Charter as King James the 2d, and, as they conceived, just in itself; since it is impossible for one Charter, say more than two grants, or two laws, to be in a breach of the same time. Ever since the Revolution, every thing has been connected to this corporation pursuant to the Charter of King James the 2d, the right of the bailiff and burgesses, affirmed by judgment in the Queen's bench, and the new corporation was created by this unprecedented Charter, which the old was so far from consenting should pass, that they opposed it, by entering counter-writs in all the offices, and by showing that it was contrary to her majesty's interest, expressed in the warrant.—Then, Mr. Speaker, here you see the prerogative enlarged and extended further, I will be bold to say, than it was in the petition made before the Revolution. Every gentleman remembers how highly things of this nature were received in King James's time, when court-arts were used to wheedle and twine boroughs into a surrender of their Charters; and when they found this method would not do, they endeavored to take them away under colour of legal process, by bringing quo warranto against them. This was then thought dangerous to the constitution, and very well it might, for the people of England could support no other than from such a proceeding, but that this House would be filled with men of the army, with men of desperate fortunes, with pensioners, with vassals of the court, with slaves of the ministry, and with all these servile sort of gentlemen, that gone with one hand to receive with the other, and thereby betray where they represent to arbitrary power. But this instance now before us, is more now and dangerous than taking away Liberty by surrender or quo warranto; those methods made some noise, alarmed the free people of England, and you see what came of it. But this is a quicker, a more silent method of doing it, which like white powder, destroys the liberty of the people, and subverts the constitution of this House without noise or notice. I beg, gentlemen, you would consider all the circumstances upon which this Charter was at-

tended, and I am sure, you can not reflect upon these without grief. First, as to the time, you have heard, upon the Grant-writ of Longland was refused to the Charter, upon the 22d of April 1703, the very same day, there was an Order made in Council to stand still with, for calling that petition in. Consequently, however you do suppose the Charter, I will not scruple saying, to see if the act were designed to make who are afraid of a free election, who are afraid of a free and an independent parliament, such a petitioners should seem to flatter great men, would require some contrivance, and perhaps such as were ready, I would call them in. There is an error at who should proceed with the quest to turn men of ability and consideration out of place and employment, not acting upon principles of honour and conscience, and doing their duty in the House. Another evil coming some with which this Charter is attended, without so many more clear and a new retaining officer, are created by it, in the subversion of all the liberty of the subject, and making all elections, in a manner, depend upon the will of the prince. I hope, gentlemen, you will seriously consider this matter, that you will lay aside all thoughts of party in this matter; for, if it be in the power of the crown to dissolve old corporations, and erect new, as we sometimes a manner, we may find a way to his liberty and property, and to all that has cost so much blood and treasure in conquest and defence, there will be no difference between a parliament of Great Britain and a parliament of Peru—I hope, your grace, gentlemen, you will seriously consider how much the honour and justice of this House is concerned in the determination of the case now before you. The eyes of the people have been some time opened, they will observe, they will judge of our votes in this cause; and expect from us, as we have put a stop to import and arbitrary power abroad, that we should neither suffer nor endure it at home."

The new Charter of Reading being read and illegal. Dec. 23. The Commons ordered the clerk of the crown to attend the next morning with the best return for the borough of Reading, by which Anthony Lockman, esq. was returned, and also with the returns of Mr. Herbert, now lord Herbert, and Mr. Cornwall, to serve for the said borough, and having the next day, fully heard the contents of the election for the said borough, resolved, 1.st That Selwyn Warrington, esq. was duly elected. 2.^d That the charter dated the 20th of April 1703, attempted to be imposed upon the borough of Reading, was void, illegal, and destructive of the constitution of parliament. 3.^d That an Address be presented to the queen, laying before her majesty the Resolution of the House, and desiring, that she would give directions to her Attorney General to take the proper methods for repealing the said Charter, and for quelling the said borough in their enjoyment of their rights and privileges."

On the 12th both Houses adjourned to the 2nd of January 1711, on which day, Secretary St. John accompanied the Commons "That passed in its later address of the 10th of December last, the queen had directed Mr. Attorney General and Mr. Solicitor-General to take the most proper and effectual measures for repelling the Unlawful Interference of the French and Spanish Armies, as also that her majesty had given due care to the proper efforts to lay before the House accounts of provisions ordered by, or raised in, or at the expense of the crown, for according to the desire of the House in their Address of the 10th of December last."

At ten in the morning Mr. St. John rose to the Duke of Marlborough's demand. On the same day the Address was read in the Lords, the earl of Rochester told her majesty's business, that the Thanks of the House be returned to her for some of the things were not read in it, and her grace's friends having apprehensions, that if the questions were put upon it, the negative might carry it, and it would be too much to speak of that matter when the Duke was returned; so whereas the House was adjourned. The next day, there was a Complaint made by a noble peer, against the Lord Keeper, for not to open him to introduce the Scotch Lords to the queen, being himself no peer by patent; but the Lord Keeper answering him, saying, if he had connected any, with a great deal of modesty, and on the other hand, the late Lord Chancellor maintaining that he had right to act as he had done, no further notice was taken of it.

Queen's Message concerning the Affairs in Spain. January 2, 1711. This day, the following Message was presented to the Lords:

"Her majesty having received notice that there has been an Army in Spain, very much to the disadvantage of King Charles's affairs, which having fallen particularly on the British forces, the queen immediately gave directions for sending and procuring troops to repair this loss—Her majesty acquainted this House with this intelligence, and likewise with her orders given thereupon, not doubting but the parliament will approve thereof, and concerta their assistance for remedying so great a misfortune."

The Lord's Address thereon. Upon this their lordships presented the following Address,

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, receive our most humble thanks to your majesty, for your gracious message relating to the present state of affairs in Spain, and for the orders your majesty has been pleased to give for sending troops of your own, and assisting your allies to send some of theirs in due time, in order to repair the loss and, as the advantage may hereafter occur,

raised by some proceeding mismanagement, we take this liberty to assure your majesty, we will use our utmost endeavours to discover it, so as to prevent the loss for the future,—and such the confidence we have in your majesty's great presence and care that we heartily assure your majesty, we will, to the utmost, give all the assistance in our power, to recover the confidence of those officers, and to support the war against the common enemy, in all places where your majesty or your wisdom shall think it necessary, for the obtaining an honourable and lasting peace, in the conducting of which, we may rely upon your majesty."

The Queen's Answer. To which Address her majesty returned this Answer:

"That her majesty took very kindly the Address of the House, and did not doubt of the Lords hearty concurrence in supporting a War of so great importance as this is."

First Debate in the House of Lords on the 17th of Spain. Jan 4. The Lords having resolved to require into the Management of Affairs to Spain, their lordships, upon a motion made by the Duke of Devonshire, made application to the queen to stay, for some days, the earl of Peterborough's Journey to Vienna, that they might make use of such light and information as he was able to give them, concerning those affairs. Accordingly, the earl of Peterborough, who designed to have not the next day, having for that purpose sent part of his servants and his baggage to Westminster, was continued; and the peers having, on the 5th, when the Affairs of Spain were considered, the earl of Arlington, chairman of the committee of the whole House, put severally five Questions to the earl of Peterborough,* to

* "Charles Marlborough, third earl of Peterborough, one of those men of curious and unemployable genius, who squander a thousand lost money and all virtues, which we would compel together and bound, till the owners were as bad themselves authors. Such was the head of an adventurous figure, and surprising spirit; as gallant as Amadis and as brave, but a little more expedition in his journey; for he would to have been ever long and more perilsous than any man in Europe. His journey to the duke of Marlborough, and his friendship with Pope, will preserve his name, when his genius, too remissive to have had a solid foundation for fame, and his politics, too dissipated for his age and country, shall be equally forgotten. He was a man, as Pope said, who would neither be more the like any other mortal. Yet even partialities were becoming to him, so he had a natural sense that immediately adopted and used them from the air of dissimulation."

"This address in his youth served under the admiral Torrington and Marlborough in the Mediterranean against the state of Algiers; and distinguished himself at Tangier, in Africa, where it was besieged by the Moors. During the proceedings of the court in the

* "This," says Bishop Burnet, "was a phrase expressed from the sovereignty, not used in former measures, and seemed below the dignity of the crown."

which his lordship returned almost unseen, considering the notoriety of the facts and progress published, some years before, by Dr Friend, a physician, who attended his lordship in Spain, in a book, entitled, "An Account of the wall in Peterborough's Conduct," &c. wherein his lordship's management is painted and highly criticised; not without some reflection on the conduct of the other generals in

regard of James the second, he was among the first of the English nobility who engaged in the project of George's service, and was one of those, as lordship himself relates, whom that prince chiefly trusted, and by whose advice he was principally directed. Being instrumental therefore in promoting the Revolution, on the accession of king William he was appointed one of the lords of the bedchamber, first lord commander-in-chief of the treasury, and in 1695 had the additional dignity of earl of Marborough. In 1696 he served under that monarch during the campaign in Flanders. By queen Anne in 1702, his lordship was declared general and commander-in-chief of the forces sent to Spain and joint admiral of the fleet with sir Cloudesley Shovel. His conduct in this expedition obtained the thanks of the House of Peers for his great and constant services. In 1710-11 he was employed as ambassador at Turin and other Italian courts, and in 1713 was installed a knight commander of the order of the garter. In the reign of George the first he was constituted general of all the marine forces in Great Britain; and had the same commission continued by George the second. Having made a voyage to Lisbon, from the declining state of his health, he died there in Oct. 1713, aged seventy-six.

"His lordship was a man of frolic. Richardson in his *Anecdotes* says, the great earl at Peterborough, who had much sense, much wit, and much wine, impudently of his character said, on seeing a dancing-master with pearl-coloured silk stockings, lightly tapping over the broad street, and picking his way in very dirty weather, and run after him with his sword drawn, in order to drive him into the mud, but into which he of course followed himself. This dancing-master was once taken by the mob for the duke of Marlborough, who was then in disgrace with them; and being about to be roughly treated by these French revolutionary justice, he addressed them in these words: "Gentlemen, I can discharge you by one reason that I am not the duke. In the first place, I have only five guineas in my pocket; and in the second, that are heartily at your service." So throwing his sword among them, he pursued his way until loud acclamations had burst.

"Dr Friend, in his *Account of lord Peterborough's Conduct in Spain*, says he never observed of a detachment of a hundred men, were going with them himself. Dr his own courage his lordship used to say, that it procured French and sparing his danger; agreeing in

Spain and Portugal, particularly, the earl of Galway's.

After this, the Lords ordered the earl of Galway, and the lord Tyrconnel, (formerly known under the name of sir Charles O'Hara) to appear before them the next day, which they did accordingly; and the first having a chair appointed for him without the hall, by reason of his infirmities, was desired by the assembly to give the Lords an Account of what he knew concerning the affairs of Spain. The earl of Galway having excused his debility to not appearing, himself as properly as he could sat in the English Tongue, gave the Lords an extensive Account of his conduct, from his first setting out for Portugal, till the time he was recalled, with which their lordships appeared to be well satisfied; and as he said, his memory might have failed him in several important particulars, he desired that he might be allowed to give writing, what he had delivered by word of mouth, which was readily granted.

As for the lord Tyrconnel, being desired to say what he knew about the same affair, and not knowing the drift of such an enquiry but rather suspecting his own ignorance might be concerned, his lordship stood upon the reserve, and said, That when he was in the army he kept no register, and carried nothing particular about him, but only a sword, which he used the best he could upon occasion; and that all he knew, in general, was, that they always acted according to the Resolutions of the Council of War.

The lords Galway and Tyrconnel being well done, several peers, particularly the earls of Wharfedale and Godolphin, the lord Halifax and some others, spoke in favour of my lord Galway, and among the rest,

The Duke of Marlborough said, That it was impossible strange, that generals who had acted to the best of their understandings, and had lost their heads in the service, should be summarily his offences, above insignificant things.

After a short debate, the Lords adjourned to the Monday following, when the earl of Galway delivered his Narrative in writing, as did also the earl of Peterborough the Resolutions of his Army, with several other papers.

January 8. The House of Peers being met, in order to resume the consideration of the Affairs of Spain, the date of December moved that Dr Friend might be summoned to attend, which was ordered. There being a great many strangers in the House,

agrees with Trenchard, that a council had only one of the three functions of the mind—approbation. The resolutions expected from England are coming to his troops when he commanded in Spain, he is said to have supplied them for nine tenths with money from his own pocket." *Parl's enlarged History of Oxford's Noble Affairs*, vol. 4, p. 163.

The Earl of Godolphin moved, That the House might be cleared; but

The Duke of Buckingham opposed it, saying, That he supposed those strangers were brought in by the members themselves, and therefore were under the protection of the House, that it might afterwards be moved, that the Lords might come down to see them, though they had no more right to stand behind the throne, or the Lords to sit when they sat, than he had, himself, enjoyed that privilege, and asked leave to be young enough to be amongst them.—Hereupon it was carried, that the strangers, that had been placed in the gallery, should be ordered to retire. The preliminary about strangers being over,

The Duke of Buckingham said, he hoped that business would not take up so much of their time as it had done two or three years before.

The Earl of Liverpool said, That the principal points which they ought to take into their consideration, and strictly examine into, were the Council of War held in Valencia, the 15th of January, 1797, &c. &c. and the journey of the troops brought by the earl of Howe, with those under the command of the earl of Galway. After the earl of Winston moved, Whether the earl of Galway's Memorial should be read in the House, or in the Committee, and the earl of Peterborough saying, It was more proper to read it in the Committee, it was agreed it should be so; and the earl of Peterborough having desired, that his Receipts should also be read in the Committee, the same was granted. After this the House adjourned during pleasure, and resolved into a Committee of the whole House, of which the earl of Albemarle was chosen chairman as before.

It being known that the Queen desired to hear the memorable Debate originate, the same did not begin till her majesty was gone, that is, about a quarter past five in the afternoon. Hereupon, the duke of Buckingham moved, That the earl of Galway's Paper might be read; and the chairman having ordered the Clerk to read it accordingly, the earl of Peterborough renewed the motions he had made before, that the lord Galway might be asked some questions, and that he and the lord Tenterden might be called in: but the lord Compton said, that it was not proper to ask the lord Galway any questions, till the earl of Peterborough's Narrative had been read in his presence, which was agreed to. Hereupon the earl of Peterborough said, that to avoid all mistake, he desired his paper might not be called a Narrative, which might look like an accusation, for he accused nobody, but only a Receipts of his Answer.

THE EARL OF GALWAY'S NARRATIVE.

After this the clerk read the earl of Galway's Narrative, being as follows:

"I am of the ambassador from France to Charles IV, and who also came over to England, in 1805, to solicit pardon for his great nephew

"Is addressed to your lordships' committee, I present you with a short Narrative as well, touching the most critical circumstances that happened in Portugal and Spain, during

the unfortunate lord Berwick. On the 22nd of January Henry and his brother offered their services to assist. In order to assist in doing them, however their father, the old marquis of Berwick, the elder was so convinced that their youth would expose him of his patronage and honour; but he was so partial to the king, as a military proof, that he dispensed the king of his estate. The gallantry in Ireland, where his brother fell at the battle of the Boyne, was rewarded with the title of earl of Galway. Within afterwards went into Italy, to fight under the duke of Savoy: but that service withdrawing from the next February, he returned, and was made commander in chief in Ireland, Queen Anne appointed him governor of the British army in Spain and Portugal, where he was at first very successful: but the battle of Almanza, fought April 25, 1704, produced a reverse of fortune that rendered the Austrian cause superior. The duke of Berwick, James's illegitimate son, general of the French army, opposed to him, desirous of compelling him to fight to disadvantage, sent two Irishmen as deserters, who told Galway that the duke of Orleans was coming with 15,000 men to join Berwick to force him to fight. Galway fell into the snare, and immediately attacked the enemy, when he did all that skill and gallantry could effect; but as his soldiers were exhausted by the fatigue of marching three Spanish leagues in the heat of the day, previous to the battle, the French were obtained a complete victory. The English were greatly outnumbered with the earl, who had suspended the siege and interrupted Peterborough. Neither the sickness of numbers, the fatigue of troops, or the gallantry he displayed, could compensate the defeat. He did not stand alone in the public estimation, but he was most blamed by the parliament. Such says, that some friend of his published a fine shilling pamphlet in his defence. The queen wished him to accept a diplomatic situation, but he declined it, as improper both from his age and the difference of his former and opposite parties, though it is evident he had been at Tona in the double capacity of general and plenipotentiary.

"It does great credit to the duke of Marlborough that he vindicated the unfortunate general to the House of Lords, saying, "it was singularly strange that generals who had acted to the best of their understanding, and had lost their limbs in their service, should be examined like offenders about insignificant things." He had not only been badly wounded in the face at Almanza, but in the siege of Badajoz had lost one of his hands, after which he calmly continued to give orders for two years. Galway deserved a better fate. The violent Swift accuses him of severity in Ireland, and for having compelled the earl of Albemarle to give up

where the enemy had stretched themselves, we advanced as far as the bridge of Almaraz. — But here the Portuguese resolved unanimously to retreat hence again, were abandoning all the expectations the generals of the Allies could enter as to the contrary, which happened very unfortunately; for had the army marched directly from thence to Madrid, as all probably we must have arrived there at the same time with the news of the duke of Aragon's being returned to France, the dutchess must have been obliged to escape thence, and the rebels' forces still there, it is very likely the war would have longed — some of the Portuguese were willing to go back and besiege Badajoz, which was entirely large a waste of thought at Madrid, but others were touching U's and Rodrigo, and by joining with them, I engaged them, after the taking of that place, to go to Madrid. But the time, which was lost on this occasion, had given the duke of Aragon an opportunity of raising down France to Madrid, from whence he withdrew the enemy, and all the tribulations, before our army could reach that place. — On approaching there, we found Madrid an open village; and the troops having been extremely weakened by so long a march, were not above 4,000 horse and 10,000 foot. — The Portuguese generals, and those of the Allies, thought it highly necessary the king of Spain should come to Madrid, as soon as possible, for he, who the advantage his presence might be a loss to his own affairs, it was of the last importance to us to be immediately joined by the king with the king, and under the aid of Peterborough's counsel; and being strong enough, without them, to attack the duke of Aragon, who had already received some succours from France. Besides the 3,000 horse and 8,000 foot, of which the duke of Aragon's army consisted, after he had been joined by the Counts de la Torre

" Being entirely informed of the enemy's strength and position, and having great reasons to believe that we were joined in time by all the forces with the king and the earl of Peterborough, we night, in the favourable conjuncture, drew the duke of Aragon entirely out of Spain, made ourselves the sole masters of that kingdom, and put an end to our expedition. All the while we lay at Madrid and Guadalajara I dispatched many day and more expeditions, and the greatest part of those officers, such before to the king of Spain, and to our lord Peterborough, reporting to them both the improvement of our being joined together, and mutually desiring that we soon might be put in our power to control a junction.

" As the next best means to advance our friends of our arrival at Madrid, the next day, after we got thence, I caused it to be published in the Gazette, that we were there, and expected, in a very few days, to be joined by the king and the earl of Peterborough, &c. — This the general curiosity of the Spaniards would give a general newspaper a full passage. — But every depending all the changes that was

used in this matter, on our part, near accounts were dropped at Madrid and Guadalajara, by which we received my advice that the king was upon his march to join my aid, at the same time, the duke of Aragon's army is so much increased by daily reinforcements from several parts, that he was now become superior in number to us, even after we were joined by those forces which took up and my lord Peterborough brought along with them. — And I may say that it is the general opinion, and I do verily believe, on the Portuguese but our last opportunity of getting so and to the king, by our marching directly from the bridge of Almaraz to Madrid, as we now had another, for want of being joined in time by the forces under the command of the king of Spain and the earl of Peterborough.

" And, whereas the noble lord is pleased to say, that he never received any notice from me of my arrival at Madrid with the Portuguese, and, as an argument of my neglect of him on that subject, produces an instance of one short, that happened to pass through his quarters with letters from me to the king, and some for his lordship, I am obliged to observe, that I gave the officer no hundred pistoles, and ordered him to go directly to the king at Spain, whither he lay at Saragossa; but he was suddenly forced to go out of his way, to avoid one of the enemy's parties, which was the great occasion of his passing through the earl of Peterborough's quarters at Valencia, contrary to his first intention. But several other officers, who were dispatched by me to the earl, assured me they had the honour to deliver him those letters which I sent to his lordship from Ossa delizans; and even taking due care to be in the earl at Peterborough is pleased to state it himself, as a plain fact, which he had, or had, some verbal informations from that very officer who passed through his lordship's quarters, and consequently could not be altogether ignorant, either of the place where the Portuguese army lay, or of the necessity of joining them without loss of time.

" After the general had getting Charles proclaimed at Madrid, it was thought fit to advance to Guadalajara; where he had, at last, advice, that the king was coming to join us, and at the same time were informed, that the duke of Aragon was at Guadalajara, in which place we marched to prevent the enemy from intercepting the king. Upon our approach, the duke of Aragon repeated the news, which little advantage we conceived much to suffer it to be, thought advisable to follow, and struck him on the other side, being advantageously posted and stronger than we. — He stayed here two days, and when we thought the king was out of danger, we again retired to Guadalajara, where we were joined by his majesty and my lord Peterborough, with two regiments of Spanish dragoons, and part of France's, for his lordship had left behind him in several places, thirteen battalions of English foot, with the artillery of Flanders, and two other re-

assisted by the presents of the country, which, grown desperate by many distressed individuals, would naturally be up in arms in the mountains. Besides, we had certain advice that there was already a body of French troops, consisting of 8,000 men, in Spain, and upon their march to reinforce the enemy. Thus, as the army must inevitably have perished, without fighting, it was thought reasonable to run the hazard of a battle, whereas we had an equal chance to come off conquerors; which was accordingly done two days after, on the 25th of April, 1707, N. S. but with ill success.

"The cowardly of the allies, with some small parties of the foot that had escaped the defeat of the day, joined again at Alcala, from whence they retired to Torquemada, and, having the enemy had crossed the Ebro, endeavoured, by opposing their passage over the Chason, to arrest them till the latter end of the campaign. Meantime, with great expedition, I gathered the broken remains of the fleet, (out of which I formed 3 battalions, and raised four more of Catalans, with which we made a stand against a victorious enemy, and preserved the propriety of Catalonia entire, excepting Lerida. After the taking of which place, the enemy thought fit to retire to winter quarters, and we did the same.

"In February following the marquis duc d'Alenc, with most of the Portuguese grenadiers, embarked for Lisbon; and having the queen's leave to do as he pleased, I visited the several quarters where the troops were quartered, and was lodged; and, having left the necessary orders with major general Carpenter and Wall, for their government in my absence, took the same opportunity of going thither.—Upon my arrival at Portugal, I found the queen's orders there, to take upon me the character of ambassador extraordinary, plenipotentiary, and general of her forces; which charges I accepted in obedience to her majesty, though I had nothing so much at heart, as the pleasure of returning to that retirement, from whence only the queen's positive command could have drawn me."

The First Question put to the Earl of Peterborough, and his Lordship's Answer.

After the reading of this Paper, the earl of Rochester moved, That the first Galley should be sailed, whether he had any thing to add to it? Whereupon the earl of Godolphin said, That the earl of Peterborough's Narrative ought to be read before hand, in his presence. The earl of Godolphin and the lord Tyrconnel being called in, the clerk read the first Question that was put the Friday before to the earl of Peterborough, with his lordship's Answer separately.

First Question.

"That the earl of Peterborough be desired to acquaint the Commission how he was supported with men and money, during the time he commanded in Spain, and what application he made for either, and to whom?"

Answer.

"To the first Question he was pleased to answer, That the management of the war in Spain, where under the conduct of other generals, was not only supported by great numbers of men, and vast sums of money, but also with numerous priviledges, published in their names, to secure their repeated discharges, whereas his lordship was not supported in the service required with either men or money; but had his conduct (trudered, notwithstanding his constant success, by solicitations of representations and suggestions to his physicians, all of them detected to be false, before your lordships, on the evidence being before the House, or on his hands to prove them so, whereas his lordship should be allowed the opportunity.—That he had no reinforcements of men till three or four days before the French raised the siege of Barcelona; that Mr. Santope, who came with these forces, on his letter represents them, as far short, in his opinion, of what the services required; and that he received no money from England, till he coming back to Valencia, after that siege, and that he himself was out of his lordship's power to make use of the post-master for above a month despatching to send it, by his lordship's orders, it appears by proofs upon oath in this House.—That the troops he brought there did not amount to 3,000, though published in the English Gazette to amount to 15,000.—That no one regiment was provided with the best equipment; no mule, nor horse, nor carriage for the troops, nor any horse of draught for the artillery; no magazines for provisions for a march. His lordship having taken and relieved Barcelona, drove 1,000 men with 3,000, out of Valencia, and 25,000 men out of Spain with the inaccessible forces he had, before he received any pay from England. His lordship said further, he never had any establishment ordered, nor was allowed for baggage-money, forage-money, or the train of artillery, till just about the time when the command of the forces was put into other hands. His lordship was pleased to say, he was forced to do as well as he could with what money he had of his own, and could pick up and down the world, and was rewarded for his pains and services, with having his bills presented, which he drew from Genoa, for monies put on board her majesty's ships, for which her captains were accountable to the paymaster, and put out of the earl's power. That the troops received the full rate without any discount, though it was made use of by a Secretary of State, as one motive for sending his lordship, that he had drawn the bills at 50 per cent discount. The earl further said, notwithstanding, that he wanted money, and all necessary whatsoever, it was objected to him, that he did not immediately put the troops in such a condition into the field, which was utterly impossible, for the shortened money; and his lordship affirmed, that a merchant had supplied, and yet retained 1,400*l.* of his lord-

ship's money in his hands, for the damages he pretended to have received by the preventing the sale, which the earl of Peterborough had drawn to his favour. The lordship further observed, that some lands had indeed remained upon the land, though, notwithstanding all those difficulties, it appeared by the votes of all the officers assembled in the House, that the troops sent to the siege of Cartagena were without baggage, which there was to be taken to make the entrance into Carthage possible; and that all the regiments began their march, escorted by dragons, the moment they had discovered themselves to them for the surprise. The lordship concluded the head with observing what various representations were made in front of others, when, to execute the fatal battle of Alcanara, a king was to be used at that rate, as to have it in an account printed by authority, declared, That he took numbers amounting to 4 or 5,000 men, from a battle to be fought for his crown; the very regiments of horse and foot being mentioned by name; whereas it is not now known to the whole world, that he took only about two hundred miserable Spanish desperado; and that of the regiments mentioned to be taken away from the English general in Valencia, some of them were never in being, others were regiments of trained-bands in Barcelona, and none of them within 400 miles of the place.

Second Question.

"That the earl of Peterborough may acquaint the House of what he knows of the earl of Galway's proceedings during his stay with the army at Madrid, his march to Guadalupe, and his retreat to Valencia, and if he knows any thing of the opposition made by the king of Spain, the count de Noyelles, and the Spanish ministers and generals, to those measures."

Answer.

"To the second Question the earl was pleased to answer, That from the time the earl of Galway came first into Spain, as far as Alcanara, and thence returned back into Portugal, the earl of Peterborough had no advice from the earl of Galway, no account of the success of that retreat, nor any hopes given him of the success of the Portuguese into Spain. That, after the raising the siege of Barcelona, and the retreat of the French army out of Catalonia, the earl of Peterborough received no notice or message from the earl of Galway, after his second entrance into Spain; nor had he the least notice of his situation, circumstances or design, till he saw his troops receding from the enemy to take the strong camp of Guadalupe, though the marches of the king from Arragon, and those of the earl of Peterborough from Valencia, were well known in the Portugal camp. That two several officers, sent by my lord Galway, came to Valencia, and brought no letters to the earl of Peterborough, one of them demanding money for the purchase of his company.—That as to the persons who advised

the king to go by the way of Arragon, and not by Valencia, he found no further, (having at that time almost lost his memory) but that having extremely opposed it, and having sent to the Secretary of State, on his first coming to Valencia, against it, he received an answer in this purpose, That he hoped the earl of Peterborough would hear the negotiation and disappointment with patience, since the king was so resolved; and a message by the appointed colonel, Lewis to be sent by the lord Galway, had given notice, that the said earl accompanied the king by the way of Arragon, and had given no information how every thing was prepared for his acceptance that way.

Third Question.

"That the earl of Peterborough acquaint the House, what advice his lordship received from the earl of Galway at Madrid, in order to conduct any public measures, and what his lordship knows of the reasons that induced the king of Spain to go by Arragon towards Madrid, and not by Valencia?"

Answer.

"To the third Question the earl is pleased to answer, That the earl of Galway continued about 40 days at Madrid, without making any endeavour to suggest his steps, or provide any measures for the subsistence of his army; that meeting the enemy unexpected, and retreating to the camp of Guadalupe, the troops were without provisions, and in the greatest disorder; that the measures taken in that retreat, where 5,000 men were lost without blow, and the whole cavalry routed, were generally against the king's opinion, and that of all his officers and ministers; that the earl of Peterborough had the accounts he gave, from the king of Spain's own mouth, and several of his generals; and it will particularly appear by letters from count Noyelles, who, instructed of the Emperor, and general to the king of Spain, and from Mr. Sanguin, which letters the earl is ready to produce, and that it is notorious to the whole world, that if the earl of Galway had pursued the enemy twenty days longer towards the Elbro, all the losses under the Marshal of Berwick had devolved to king Charles, and the French could never have returned to Spain.

Fourth Question.

"That his lordship please to give an account of the councils of war in Valencia, about the month of January, 1707, upon notice of the earl Rivers sailing into the Balears, and upon the progress of that campaign, and what number the king took from the army, and an account of his measures upon so doing?"

Answer.

"To the fourth Question the earl is pleased to answer, That several councils of war were held in the month of January, at Valencia, about that time that the intelligence was brought, that the French under the earl Ri-

was were annexed into the Mediterranean) in order to adjust the measures for the ensuing campaign; that the matters therein debated, were principally, whether the army should march towards Madrid, and not the contrary? In the debate, the earl of Peterborough proposed, among the rest of Germany, like Stanhope, an distinct proposal to support those measures, such the Portuguese general, and that the king, the count de Narbonne, the Spanish generals and ministers, each himself agreed strongly against these measures, as highly dangerous and impracticable, and that a repeated renewal of war, till at last the earl of Peterborough, advised by the king of Spain to remove the debate, desired the king, that it should be the counsel should bring their opinions in writing, that every body's opinion might be known for that opinion, might appear and be known to the world, which, according to the king's commands, were put in writing and delivered at the council. That the said earl sent his opinion to the king, and gave the Lord Treasurer an account of the controverted points in that Council of War, by letters about that time, and after the battle of Almona, from Genoa, which letters, agreed upon with to be true copies, he is ready to produce.—That the king's opinion, and that of all his generals and ministers, in concurrence with the earl of Peterborough, were overruled by a majority of the majority, meaning that her majesty had given him orders to declare, in her name, that her private orders were, that they should seek the way, such to Madrid, and not divide the forces, upon any occasion whatsoever.—That, at a subsequent Council of War, the best measures were concerted for the passing this in operation, agreed which the king and so many generals and foreign ministers had declared, and that it was unanimously agreed, the army should march by the head of the Tagus into Arragon, to avoid the enemy's lines in the plains, and not to have that river to pass before the troops.—That, notwithstanding that, the earl of Galway brought the army into the plains at Valencia, the direct contrary route to that of Arragon, and into all those dangers which he was to avoid, by marching by the head of the Tagus.—That, by letters from my lord Sandford to Mr Stanhope and lord Galway before the House, it appears, that these two persons differed in opinion from the rest. The subject neither of their opinions being inserted, and it being taken notice of in each letter that these opinions in writing were received, and accessible to the Lord Treasurer's treasury; and Mr Stanhope thanked and approved, for what he had offered to the queen's name.—That the earl of Peterborough was the cause of that opinion, because the duke of Devon and prince Eugene had declared their sentiments for a defensive war at that time in Spain, and had communicated their thoughts to Charles II, upon that subject, by the certain knowledge of the earl of Peterborough, as he can make appear by authentic papers from the king of Spain.—That the earl sent a project of the duke of

Devon and prince Eugene, in concert with himself, to the queen, which her majesty had herself required, so which the said earl's opinion might appear, if the said lord's opinion's letters to produce it.—That he went immediately by the queen's commands and instructions, with some secret communications, and came into the duke of Devon, though it is true he was forced back with so doing, as if he had not the queen's orders, (which yet he is ready to produce) and was recalled upon that pretence, that these orders were communicated to the king of Spain, lord Galway, Mr Stanhope, the generals and ministers of the army, such as the duke of Devon, and he was by them unanimously selected to go for Italy, in pursuance of those orders, and that agreed to it a Council of War.—That an objection was, that he was absent, when ordered to go with troops, it is no weight, since, while he was preparing to execute those orders according to his letters, a strong squadron of the ships were commanded away to the West Indies, under authority approved from England, and the particular ships mentioned for that service. That those orders were inserted upon the supposition that Madrid and Arragon were in the hands of king Charles; that notwithstanding the real situation of affairs, it was not in the power of the earl of Peterborough to prevent the total separation of the fleet, though he proposed, and selected the other admirals to join with him in issuing such orders as were presented to the public, but could not prevail, when yet they showed it such the fleet sailed for that year where they went, and that the expedition under their private and private orders, could be of no service to the West Indies, nor even to go out there, to prevent the gallies, had they any intelligence of them.—That the king of Spain, count Newcastle, Mr Stanhope and Stanbury, by the king's order, selected the earl of Peterborough's orders into Spain, and he was ordered by his catholic majesty to select, as the most pressing answer, that the earl of Galway might be recalled, and the Portuguese troops removed; that, accordingly, when he had sent the project upon London, and against France, to the Secretary of State, he returned, and waited at the general council, which are now compared now, and of which he has given a full and true account; and that he was the more pressing and undisturbed to prevent the such measures which brought on the battle of Almona, because the defensive in Spain, was agreed on by the duke of Devon, and prince Eugene, in order to the design projected against London; which design against London was wholly altered, and made so impracticable, that the duke of Devon, in the most public and solemn manner, declared his unwillingness to engage in it.—That there in those councils, where the earl Rivers was arrived, and landed at Arragon, further debates arose what advice should be given him, and what proposed to him to execute with his troops the project approved, and offered by my lord Galway and Mr Stan-

king, was (to the best of his remembrance) that the troops should advance to some little cover near the enemy, with assurance given my lord Rivers, that, in some few days, he should be returned with a considerable body of horse, and some foot: that in this particular he is here moved to find that proposition coming in perfect remembrance of it in the end, but that the particularly remembers that he appeared, with the utmost warmth, that any proposition should be made to the said Rivers, it being certain (and very dangerous and improper) that, that should such assurance be pursued, that very being quite opposite of the situation of affairs, would not appear against marching towards the enemy—the particularly remembers, that, at these moments, there was no account given, that could be depended upon, of the enemy's forces, who, at that time, were known to have a body of near 10,000 horse, and might soon be drawn together from their quarters, he knew that these troops could do no service, but must remain dispersed and exposed, & that the losses promised in a few days to support them, which he was certain could not be sent in a month, and thought he might do good in giving my lord Rivers and his other Gentles the account, that the said Rivers might take the utmost caution, and be upon his guard.—That according to the account to be given, the said Rivers's forces were dispersed and exposed, for near a month, without any relief, except from the east of Galway; and, at last, orders were sent them to a retreat, which could not be executed without great loss to the troops.—That up to the end of the month of October, after which my lord Rivers and his company's troops, the earl of Peterborough met him just going to the king, and told him, who he was in position in the subsequent part of his, that he should not be joined by any troops in a month's time, which was, however, he knew that the war continued, that had chosen for themselves bread and other provisions for the support, at a higher rate than they were furnished before, were not engaged by their contract to deliver the provisions for their troops, which was to purchase the said Rivers, till a month after the next day, were promised it, and the earl of Peterborough then desired the said Rivers to ask the king, whether this matter of his service was? who, as he believes, might tell him the same thing.

Fifth Question

"What the motives were of the king of Spain's leaving the army, when it was resolved to march towards Madrid to drive out the enemy, and whether there were any orders procured from England for their removal?"

Answer.

"To the fifth Question the Duke is pleased to answer, That the king of Spain, when the troops were marching into Madrid, took with the army, assembled a Council, to consider of his other purposes, but to send, by the hands of his Secretary of State, a proposal, with his reasons why he

would not march with the army, but as to present his subjects in Castile, of a quantity of which present, the Duke very well remembers, having had a copy of it, by the king's order. And that he had returned on under the king's lord seal sent, to show how he was surprised and amazed that the Duke should be thought fit to propose for the public service."

After the reading the earl of Peterborough's Resignation, the earl of Albemarle, chairman of the Committee, asked my lord Galway, Whether he had any thing to add to his Paper; to which his Lordship answered, "That his suggestions, suggested to him during some of that time, to which, it should have been placed to allow him to a copy of the earl of Peterborough's Paper, he might do some remarks upon it." Which was granted.

The Chairman and a Committee voted afterwards the first Resolution, Whereas he was obliging to come out as to the Duke, when he knew concerning the Loss of the War held in Valencia, on the 10th of January, 1707 &c. To which he answered, "but the reason why he made an error during the War, but my was, because he was not aware of the Duke's, and as his doubts increased, he was obliged to obligate to secure himself, he desired to know, whether he was accused or not? And if he was, he desired a copy of the Accusation, that he might put in his Answer." His answer.

The Duke of Argyle said, "That the lord Tyranny's opinion was improper; that he was there in order to be examined by the Lords, and that he ought to answer to such questions, as should be put to him by the Chairman."—The lord Tyranny, replying, that as he was accused, he ought to make his defence according to the forms or customs of justice; the lord Peterborough said, "That he was accused nobody; that the lord Tyranny was a gallant man, but that, as it commonly happens, he might have been deceived by the opinion of his supporters;" whereupon the Chairman told him, he was not accused. Notwithstanding that, the lord Halifax said, "That the lord Tyranny's opinion was not altogether dissipated. That any thing that tends to a measure, may be looked upon as an Accusation: and that the House of Peers, being the supreme court of justice, they ought to observe the forms of justice, as well as inferior Courts."

A debate being like to ensue thereupon, the duke of Buckingham moved, "That the persons at the bar might withdraw;" which they did, and then he gave complacency of the earl of Albemarle saying to the lord Tyranny, he was not accused.

The Lord Halifax said, "That he believed had taken up much of their time three years before, to this purpose; that the Council in Valencia was a part of no weight or consideration; but that, if it was made to be the cause of all miseries, the lord Tyranny was involved in the same Accusation with the lord Galway."

The Earl of Albemarle justified what he said, viz. That the lord Tyrwally was not accused; saying, it was impossible he should, because the House of Peers only judges, but never accuses: After which,

The Duke of Argyll, in answer to the lord Halifax, said, "That three years before, they enquired how Spain had been got, but now they enquired how it came to be lost, and that they were only enquiring, and not accusing." To this

The Duke of Marlborough replied, "That he could not pardon the insolency of such an enquiry; but, if they designed to censure persons, who had acted to the best of their understandings, they would have as body to serve them, and that it appeared by general Buckle's letter to Mr Secretary Bridges, that the Council held in Valencia was unanimous in their opinion, and did not delay the Ship, which they left to be determined by the subsequent Council of War." Hereupon the earl of Peterborough declared, that Mr Buckle's Letter might be read, which was done accordingly. It bore date the same day the Council held at Madrid, and the most remarkable passage was, he, "That by the lord Galway, and the lord Tyrwally, had given their opinion for an offensive war, and that King Charles's reserves and the earl of Peterborough being of another opinion, he had protested against it, in her majesty's name," saying, "That the queen did not speak with vain name, and used such members of forces, in person terms, but to make King Charles master of the Spanish Main; that he apprehended he had committed a fault, in offering to protest in her majesty's name, against the opinion of a person of so superior a character as the earl of Peterborough."—After the reading of this Letter,

The lord North and Grey said, "That the lord Galway and Tyrwally having been pronounced with an opinion that they were accused, they ought to be so known they were not."

The lord Cooper added, "That they ought so declare clearly and plainly, what it was that was an Accusation, or no; that the reputation of men of honour was their liberty and property, that consequently, if this enquiry tended to censure the reputation of the lord Galway and Tyrwally, by what name matter it might be called, if was an Accusation, and they ought not to haunter in writing, and ought to be allowed time to make good their answers, adding, he did not speak so much in favour of those two gentlemen, as for the honour of that illustrious assembly."—To this

The Duke of Buckingham replied, "That the lord Tyrwally's question was improper: That, if all who are summoned to the bar of the House, in order to be examined, should ask the same question, they could never proceed in any enquiry, or come to the knowledge of any thing: That the lord Tyrwally was an honour and reserved, as if he knew he was really accused. That the Friday before, he remembered nothing, and now he wanted to

know, whether he was accused, or not? That the lord Galway had acted fairly, like a man of honour: That the lord Tyrwally ought to do the same; but if he refused, they could not force him to it: That the reading of letters was irregular, before they had examined him; and that the chairman ought to ask him, pertinaciously, whether he would tell the Lords what he knew about the Council held at Valencia."—Hereupon

The Duke of Marlborough moved, That the lord Galway and Tyrwally, might be told, That they were not accused, and that the council in Valencia was only to give light into the subsequent operations of the Campaign. To which

The Lord of Rochester answered, That, though it had been alleged, that reputation was as dear to them as liberty and property, yet the Lords ought not to be their friends, by telling them whether they were accused, or no, and therefore moved, that the chairman should ask the lord Tyrwally to answer, if he pleased. The lord Peterborough said, We must not be accused for going his opinion in a council of war.

After which, the lord Galway and Tyrwally being called in again, the earl of Albemarle told the Lords, That the Lords desired to be informed of what business about the council of war which was held in Valencia. Hereupon the lord Tyrwally said, That being apprehensive he might be accused, he thought he ought to be upon his guard, but as he hoped that the Lords would not take advantage of any thing he might say, he would freely acquaint them with all he knew about the Council of War. That it is a hard matter to charge one's memory with things so distant; but that he remembered, in general, that several schemes were proposed for the operations of the ensuing campaign. That an offensive war was resolved upon by a majority of votes. That besides the lord Galway, Mr Sturges, and himself, all the Portuguese, viz. the marquess de Bena, count of Oropesa, the count de Corneja, and the Portuguese ambassadeur, were of that opinion. That the operations of the campaign were left to the determination of subsequent councils; That as to the battle of Almona, it was unanimously resolved upon, not one general opposing it, and that Monsieur Frobenius, who commanded the Dutch, and was very positive of any thing that regarded the service of his masters, did not speak one word against it.

The earl of Nottingham having interrupted the lord Tyrwally, telling him, He was not engaged about the battle of Almona; The duke of Buckingham said, No lord ought to speak to the lord Tyrwally but the chairman. And the lord Halifax added, "That what he had said was very proper, the battle of Almona being a consequence, of the Council of War held at Valencia." On the other hand the earl of Peterborough saying, "That what the lord Tyrwally had said was in no purpose." The duke of Marlborough saying "He had

answers fully to the question that was put to him.

Present at Copenhagen having desired that debate Tuesday night go on, he was asked by what and the chairman telling him he might proceed, he answered, "He had no more to say." If any of the lord's Council desired he should be asked Whether the articles of Madrid were agreeable to that Council of War? And the end of it this. Whether in the next Council, as otherwise it was intended upon? The chairman put these two questions to my lord Hyndes, who answered as before, "That it was agreeable to march to Madrid, but that the further operations of the campaign were reserved to the consideration of subsequent councils, after they had beaten the enemy." The end of Peterborough drawing to leave by whom these resolutions were taken, the lord Treasurer inquired, "By the majority of several Councils of War, which were held twice a week; and that, as far as he could remember, the king did not declare his opinion."

The end of Peterborough having afterwards desired leave to ask the end of Galway's question, about his negotiations in Italy, the lord Pollex said, no question was then to be put before relating to the Council of War held in Valencia. The end of Alengdon having told the lord Galway and Treasurer that they might withdraw, they withdrew accordingly, after which the lord Cowper said, "That all he could collect from the lord Treasurer's examination, was, That the same persons who were for an offensive war, in the Council held at Valencia, were very dissuasive in the subsequent Councils, and concurred in the execution of the operations agreed on."

After that the chairman ordered the clerk to read several Papers that lay upon the table, particularly the following Letter from Mr. Stoughton to Mr. Secretary Hedges:

"Sir; Valencia, Jan. 25, N. S. 1708.

"Some say last, of the death of Don Sebastian, we have received the ill news of the king of Portugal's death, and the loss of Alcantara. The same ships brought us letters from my lord Rivers and my Lordship Shovel, acquainting us, they had taken the resolution of bringing the lord forces to this kingdom. Upon these advices, and the arrival of the end of Peterborough from Italy, several conferences have been held on the operations of the new campaign. Indeed I send you the Opinions given by my lord Galway, my Charles Hare, and myself, in writing, as the king had desired. What is mentioned therein of taking Oran and Minorca, as soon as the forces shall land, is agreed unanimously: as likewise to select either Sicily, or a good naval diversion from Italy; and also to engage, if possible, a squadron to stay in these seas. I am sorry it is doubtful whether the latter can be compassed, as Charles Shovel having writ word, that the ships will return soon after the landing of the troops; and if the whereas the French go or not they are to have,

(of which my lord Peterborough will inform you more particularly) are really marching, a squadron would be necessary to hinder them from landing on in Catalonia; which would otherwise require more troops for the defence, so that we are again, and have carried us a sufficient force to go to Madrid. The same part of our notes, which relate to the design of the campaign, is not yet settled, there being many opinions, that we should not think of Madrid, but act definitely, and in several places. I have in most of my letters, since I came hither, taken to my Lord Treasurer, or you, expressed my apprehensions that would be aimed at; and should so hope we shall soon be a further from you of her majesty's pleasure in the particular. I have, perhaps, been guilty of a fault in supporting my opinion, which is the same with my lord Galway's, too warmly at some of these conferences, but I am sure, that her majesty did not spend such vast sums, and send such numbers of ships in pursuit to towns as Catalonia and Valencia, but to strike King Charles master of the Spanish monarchy, and if it was agreed upon, to divide the forces, and put ourselves on the defensive, I should, in her majesty's name, protest against such measures. The fault I apprehend myself to have committed, was using the expression of supporting her majesty's name, in presence of my lord Peterborough, who has character from her majesty in much against us mine, and from whom it was my fortune to differ in opinion, on this occasion. The lordship will have communicated to you, the proceeds he has concerted with the duke of Savoy, and prince Eugene, for the execution of which a strong squadron is necessary. If the assistance of our fleet can engage these princes to march by land to Toulon, it may, on that condition, be worth our while to spare some fleet from hence, for the execution of such a design, as destroying their naval strength, though we should be reduced to act differently here, for, let us take never so good resolutions, I cannot help repeating my apprehensions to you, that we shall do no great matters while we have so many grounds so little disposed to agree. Experience has so fully convinced me of my inability to procure that good understanding amongst ourselves, which is necessary for the queen's service, that I do, with the greatest satisfaction, renew my application to you, that I may be excused from a station, in which I am perfectly useless to her majesty, and am making again, being forced to live at much larger expense than my allowance will bear. Your favour in this matter will be most thankfully acknowledged by him, who is, with the greatest respect, Your, &c.

"JAMES STAGNAPORE."

Then the clerk read also a letter from Mr Charles Hare, (now lord Treasurer) to Mr Secretary Hedges, of the same date, viz. January 25, 1708-9. The title of a letter from the earl of Sunderland, in general Stoughton, was also read; but his lordship not being then in the House, the reading of that letter was postponed.

and the Opinion which Mr. St. John gave, in French, in the Council of War held in Valencia for an offensive war.

Next to this the Clerk read the Opinion which the earl of Peterborough delivered in writing at the said Council, being as follows.

"An opinion was it of show, and reputation to the people and troops, but the defence was often of more utility to the public.—Our circumstances require vigorous efforts in Italy or Spain. In the last, the defensive secures us the crown of Aragon, but the troops in Italy can only give the moral blow, that is, enter France. Further can it be desired, if the French desert from their imper in Italy, but that the great force in that country will be usefully employed by the duke of Savoy and prince Eugene.—No positive opinion can be given, without knowing the condition of the fleet. Without the assistance of the sea, the best disposition in Italy are useless. If that were wanting, all must be intended in Spain, the war there being of an unconvertible consequence to the allies, but the advantages of submitting armies in Canada are sufficiently apparent by the last campaign, and the dangers are evident of putting the whole upon the success of passing to Madrid, before an army in superior condition, and without pretence, or the necessary preparations for such an attempt. The perception of that overture natural fortifications: if there are places near Aragon, it is almost equally impossible to pass them before an army in battle, without a great superiority in artillery; and nothing is more easy to a body of horse on marches, than to cut off the necessary provisions, in a country where they are so scarce.—If the troops advance into Canada, towards Madrid, without taking the necessary precautions for the defence of Catalonia, either Madrid must fall into our power, or all is lost. It is to be desired whether the possession of Madrid (without the defeat of the enemy's army) be decisive, but the loss of Catalonia is certain, if the places there are not better fortified and provided, and if forces are not sent into that province or those parts of Aragon, near that frontier, which may serve as the main line for the defence of the fortified places of Catalonia, and towards preventing the success from the side of Navarre.—If we hope for a maritime force between us there now, which may be superior to the enemy, there does not appear the least necessity for such measures, and the least danger, or great advantage shown, may give her troops that inclination to desert, which the enemy will not fail to improve, when in a proper situation.—Alone all things the defence of Catalonia, and what we have, is necessary. Our intelligence assures us, that great numbers of troops assemble in Barcelona, and that great magazines are forming there for foot and horse, and all warlike necessaries. But to conclude, what better

opinion can be offered than those of the duke or treaty and the prince Eugene? who have doubtless examined them in the request, the queen, and his council in great, which that duke has submitted."

The earl of Peterborough having desired that some of his own letters might also be read, the clerk began with one from his lordship to the duke of Marlborough, wherein the earl said he knew was not prejudicial against him; whereas amongst other particulars, his lordship said, "He had seen some, all his enemies, his lies, and these he had papers enough writing to defeat." Another from the earl of Peterborough to the Lord Treasurer, for and on behalfing was read likewise, containing a publication of his lordship's motions, exposing the rash and ill-considered measures that had been pursued; and acquainting the Treasurer, that he (the earl of Peterborough's) papers were approved by the duke of Savoy, prince Eugene, and M. de Belvedere, though a treaty in the last Campaign; adding, that whilst he had the honour to command in Spain, not one party of 20 men were wanted, on a small list. After this the clerk read the earl of Peterborough's Letter to Mr. Somers, of the 14th of Feb. 1687, in which an extract of king Charles's Orders to my lord Peterborough, about an attempt upon the islands of Majorca and Minorca. Upon which the earl of Peter said, "That the earl of Peterborough had given a fair and just Account."

To summarise what the earl of Peterborough had said, Dr. French was called in: whereupon the duke of Devonshire moved, That he might be sworn. This occasioned a debate that lasted near an hour, after which it was agreed that he should be sworn, which being done accordingly, he was called for the circumstances of the Papers inserted in his Account of the earl of Peterborough's Conduct in Spain; the copies whereof, he said, he had received, either from the earl of Peterborough, or from his lordship's secretary. Then the earl of Albemarle read the opinion that had been given in by the earl of Peters, viz. "Resolved, That the earl of Peterborough has given a very faithful, just, and honourable Account of the Councils of War in Valencia."

The Earl of Peterborough's Account read Jan. 4th. This question occasioned a debate that lasted above an hour, in which the most remarkable passage was this, The Independent Motion having accepted against the word 'just,' because the earl of Orkney had declared he had some reasons to make on the earl of Peterborough's Resolutions, but that he readily agreed in the word 'honourable.' The duke of Argyll took him up, saying, "He knew no difference between those two expressions, for all that is honourable must be just, and all that is just is honourable." At last, the question being put, about one o'clock at night, the Lords divided, and before being appointed, 35 were for the affirmative, and 42 only for the nega-

yes; and the House being recessed, the Resolution of the Committee was reported, and agreed to.

It was afterwards moved to adjourn to the Thursday following; but before it passed into a Resolution, the earl of Pembroke gave to the following Question to be debated in the next committee at the whole House, "That the earl of Galway, lord Tyrconnel, and general Stanhope, entering at a conference held at Valencia, some time in January, 1706-7, in the presence of the king of Spain, and the queen's issue being used to maintenance of their opinion for an offensive war, contrary to the king of Spain's opinion, and that of all the general officers and public ministers, except the marquis du Maine; and the opinion of the earl of Galway, lord Tyrconnel, and general Stanhope being passed in the operations of the following campaign, was the unhappy occasion of the battle at Almona, and was cause of our misfortune in Spain, and of the disappointments of the duke of Savoy's expedition before Turin, concerted with her majesty."—The earl of Pembroke moved that this question should be entered in the Book; the same was approved by the earl of Wharton and the lord Bishop; but a day, after a small debate, agreed, That the same should be entered after which the House adjourned to the Thursday following.

Second Debate in the House of Lords on the War in Spain. Accordingly, on the 11th of January, the Peers being in, three Letters from the earl of Sunderland were delivered in, viz. one to general Stanhope, of the 21st of December, 1706; another to the earl of Galway, of the same date; and the third to the earl of, of the 11th of the same month. The order of the day being read, an officer was sent to know whether the earl of Galway attended, and the House being informed he did not,

The Earl of Pembroke made a long speech, wherein he represented, "That the nation having, for many years, been engaged in an expensive war, it was necessary to give the people the satisfaction to let them know how their money had been spent, and who deserved thanks, and who to be blamed; that it appeared, the service of Spain had been very much neglected; that many officers upon that establishment looked on their employments as unbecoming, being favourites of the party; and that the council held at Valencia, being the spring to all our misfortune, the Lords ought to enquire those that influenced it; concluding, that the motion he made on the Tuesday before might be read."

Whereupon the duke of Bedford delivered in a Petition of the earl of Galway, which was read, importing, that being informed that matters which very much concerned him, were inserted in the Journals of the House, he prayed their lordships to give him leave to put in his Answer, before they came to a determination.—The marquis of Dorchester delivered also a Petition of the said Tyrconnel, to the same effect;

which being read likewise, the earl of Oxford moved for adjourning, and appointing a day to consider of these Petitions. To which

The Lord North and Grey said, "The lords Galway and Tyrconnel ought to have put in their Answers to the earl of Pembroke's paper, instead of presenting Petitions for leave, which looked like a delay."

The Duke of Buckingham said, on the same side, "That it must be a mistake; that the Petitioners might think themselves accused, which could not be, for the Peers were witnesses, but only gave orders to the Attorney General to prosecute: That although every body may have access to their Journals, because they are a court of record, yet an impostor might receive of any thing that pleases, or is depending in the House, that at that rate, any body might put a stop to their proceedings; that he did not, however, blame men that were under the apprehensions of being accused, for presenting such Petitions; but that they ought to take no notice of them, and proceed according to the order of the day, as relation to the affairs of Spain." To this

The Duke of Devonshire answered, "That as a concern might arise upon a motion made the Tuesday before, the lords Galway and Tyrconnel had reason to petition for leave to make their defence."

The Lord Rochester replied, "That he never heard of a Petition of that nature; that the Petitioners desired, in effect, to be heard upon the debate of the Lords, which was improper; that nobody yet knew at what day, what the question was; but that after it was known, it might then be proper for them to put in their Petitions; concluding, they ought not now to be received."

The Lord Somers said, "That the Petitions were neither improper, nor given in at any improper time; that it would be too late for the Petitioners to apply to the Lords, when they were come to a Resolution; that he hoped it would never be found in the Book of that House, that when the Lords were going to proceed to a vote, they refused to hear those that were to be affected by it; that the lords Galway and Tyrconnel had a right to be heard, and clear the matters of facts as subjects of Great Britain; that the Lords ought besides to be conscious how they proceeded in enquiring of things done before the Act of Oblivion and Indemnity; concluding, it was but a natural justice, that men in danger of being accused, should have leave to justify themselves."

The Duke of Argyle answered, "That he did not know what services it would do the petitioners to be heard now, and so tell the House that they differed from the House, that it had already been put to them, whether they had any thing to say in that point, and that two days had been allowed them to answer the earl of Pembroke's Remonstrance; that as to the Act of Indemnity, his grace did not care how this was made of it; that the said In-

demerit renders not enquirers; that the people of Great Britain ought to know to whom their submissions are owing: but that, however, he desired nobody should be punished."

The Lord Cooper said, "That the debate about the Affairs of Spain was adjourned to that day; and therefore it was improper to take notice of the rest of Paslet's motion in the House, but that it might be considered in the Committee; that as to the two Petitions, it was reasonable and proper to grant them time to put in their Answers, because the question needed to consider them; which they did not know before, when they were only examined. And that in things essential to justice, the ordinary forms of courts of judicature ought to be observed."

The Earl of Nottingham answered, "That they could never be too tender of the reputation of men of honour; but that in his opinion, the Petitions ought not to be granted, because this was no proper time to deliver them, and because the Petitioners themselves were improper; that the Act of Indemnity ought to be removed, but not pressed too far; that the Petitioners had already been heard, and allowed time to add any thing to their former declarations; that now the Lords were not enquiring into facts, but forming their judgments upon them; and that the advancing the Lord Galley and Tyrrelly to take notice of what passed in the House, would be admitting them to a co-operation with the Lords."

The Earl of Wharton replied, "That a censure is a punishment; that to punish men without giving them an opportunity to make their defence, is equal to a banishment; that he hoped the subjects of England were not yet reduced to that; that this was the only time the Petitioners could have to make their application to the House; that the best thing the Lords could do, was to hear them before consideration, were any other criminals might claim that privilege: concluding, he did not speak for the sake of those two Lords, but for the honour and reputation of the House."

The Earl of Nottingham answered, "He did not say they could never be heard, for they might be heard, if the House should order a prosecution, but only that they could not be heard on this occasion. That they might be as innocent as any of the Lords, because they might have given their opinion according to the best of their understandings, or might have been overruled. Which might be afterwards required too."

The Duke of Buckingham, who spoke on the same side, said, "That he had a great respect for those two noble lords who petitioned, and was as tender of the honour and reputation of the House, as any member. That therefore he was afraid of making precedents and altering parliamentary rules. That according to the form of former courts, no man has a right to be heard, or to say proceedings on account of his reputation, or on account of his property; that he was apt to believe, that some persons

who did not like this enquiry, had put those two lords upon petitioning, to gain time; though he would not have the Petitioners granted, yet he would move, that they might be called in and heard."

The Earl of Portland said, "That they had already been heard, and had declared they had no more to say: so that the design of the petitioners was only to delay."

The Duke of Somerset said, "That if they were ready to be heard, he conceived they should, provided they delivered nothing in writing, which might occasion delays."

The Earl of Godolphin, in answer to what had been urged by the earl of Portland, said, "However, they had been heard before; but that there was now matter, and an importance, therefore it would be hard upon them not to be heard."

The Earl of Ferrers answered, "That the question proposed only a prosecution to pursue a censure; that their lordships were not come to no Resolution upon it, and, as a Petition is a debate of the House was never allowed before, he thought it unreasonable to grant them. That, as they must not judge by success, so the declaring that the Lord Galley and Tyrrelly had given an ill-counsel, was no crime."

The Lord Halifax said, "That out of an affection of avoiding delays, and of not going too far enough, they went so far, that they must come back: that the petitioners had, indeed, been examined, but were not heard to the question proposed by the earl of Peterborough; and that the Lord Tyrrelly was even interrupted when he began to speak of the battle of Almaraz. Pray, my lords," added he, "proceed according to the rules of justice. When our George Roche was called in question, he was heard for three days together. When, will you not hear those two Lords, before you pass a Resolution that teaches their separation? For my part, when I hear these arguments, I could stop my hearing."

The Earl of Portland saying thereupon, "That if they were ready to be heard, he readily agreed they should."

The Lord Halifax insisted, "That their demand ought not to be granted;" saying besides, "That the very Paper upon which the whole debate turned, was not yet read."

The Earl of Marr answered, "He did not wonder some persons encouraged to shuffling and picking the debate, but if they granted those Petitions, they might afterwards be desired to postpone this enquiry, till Mr. Stanhope could be heard."

The Duke of Argyll added, "That he had himself, asked the petitioners, whether it had been resolved to act affirmatively, in which they had given their answer in the affirmative; which was the material point in question."

The Duke of Devonshire answered, "That, as the result of these debates might be put in a Representation to the queen, the petitioners might be kept an opportunity to be heard."

The Duke of Buckingham answered, "That if they debated that matter any longer, it would be the same as if they granted their petition."

The Lord Grey, speaking on the same side, said, "That, if the question for rejecting the petition, was put, and carried, they might then be heard to matter of fact; but, as no matter of opinion, they could not be heard; and so concluded, that the question, to reject the Petition, be put in the House, and the Lord Pembroke's question afterwards debated in the committee."

The Earl of Scarborough said, "That, if the petitioners were to be heard again, he wished there might be upon each."

The Earl of Pembroke added, "He hoped they should have as much of the Act of Indemnity as the others."

The Duke of Leeds said, "He thought the petition irregular, however, he moved that they might be heard on the table, and taken no notice of." Which motion was backed by the Lord North and Grey. But

The Duke of Buckingham moved, "That the petition being irregular, the question for rejecting them ought to be put; and if carried, each lord as pleased might enter their Protest," upon which

The Duke of Leeds said, "He should be very to see protestations made on that occasion."

The Lord Keeper having, at last, put the question, Whether the Petitioners should be received? It was carried on the affirmative, by a majority of 57 voices, against 40, that so in the negative. Whereupon the earl of Abingdon said, "He supposed, any body that presented petitions, attended to know whether they were granted, or rejected;" and the Duke of Devonshire moving, "That they should be called in," the Duke of Argyll said, "He took it for granted that the petitioners were not in the way, and not to be heard; and therefore moved, that the committee might proceed;" an officer having informed the Lords, that the petitioners were not at the door: the earl of Pembroke said, "All this looked like a delay." And the earl of Ferrers moving, that a message might be sent to show, the Duke of Buckingham moved, for adjourning the House, during pleasure, in order to consider the earl of Pembroke's question in a Committee of the whole House, into which the lords went immediately, and of which the earl of Abingdon was the moderator.

The Earl of Peterborough opened the debate with saying, "That, having the queen's orders to be given, he hoped the lords would give him an opportunity to clear some points that had been mis-against him by the Secretary of State." But the Duke of Buckingham said, the question ought to be read, in the first place. Whereupon the earl of Abingdon read the earl of Pembroke's motion before-mentioned. Then the earl of Peterborough acquainted the lords, "That he was going out of Spain for Italy,

was in order to concert measures for the siege of Toulon, according to his instructions being empowered to treat and negotiate with the Duke of Savoy, particularly about the siege; of which he had given an Account in writing. That he had several conferences with the Duke of Savoy and prince Eugene, in his royal highness's chamber, the result of which he sent to the Court of England, and to the king of Spain. That he had afterwards several conferences with our Lord Galley and Mr. Stanhope, to concert further measures for the carrying on the projects made in Italy—but though he had acted according to his instructions, he was, in a Letter from the earl of Sunderland, dated the 20th Sept. 1706, G. S. required, for negotiating matters at so high a rate, without the queen's authority, which might be prejudicial to her majesty's service"—Whereupon the earl of Rochester said, "That the earl of Peterborough ought to apply himself to the matter in question;" and moved, That the said question might be read again, which the chairman did: after which the earl of Peterborough said, "He apprehended their lordships would acquiesce into the disappointment before London, in order to which he thought it very proper to acquire them, that 5,000 men, which he demanded for the reduction of that place, were desired him, to be employed about imaginary conquests. And, that he received the thanks of king Charles, for the project he had concerted in Italy; but a public minister departed, he might not be trusted." The Duke of Argyll observing that the earl of Peterborough's Papers might be read; that, in particular, which showed, that the Duke of Savoy insisted, that there might be a decisive campaign in Spain; while the earl of Peterborough was looking for that paragraph, in his own French Letter to Mr. Charles Hedges, dated Sept. 10th, 1706, the earl of Godolphin moved, "That the whole Letter might be read;" whereupon the Letter was delivered to the clerk; but, the earl of Peterborough taking it from him, read it himself; and the most remarkable expressions in it, relative to the question, were these, "Je prie de Toulon des points possibles. On demande 5,000 hommes des troupes d'Italie;" that is, "The taking Toulon appears practicable to me, 5,000 men of the troops in Spain are demanded for that purpose."

The Lord of Godolphin moved, "That if any more was to be said upon this letter, the matter might be transmitted to the clerk." Notwithstanding which, the earl of Peterborough continued reading; then asked

The Lord Keeper backed the earl of Godolphin's motion, saying, "He could not understand the letter as the earl of Peterborough read it, and how could their lordships proceed to a consent, without having a material paper in the language of the country?" To this

The Earl of Peterborough said, "That it being thought to not to entrust any secretary with his projects, he wrote that letter himself to Mr. Secretary Hedges; and that he could not write

"in any other language, to be understood by the duke of Savoy, and prince Eugene, who kept both a copy of it, as well as himself. But if their lordships desired to have it translated, he moved they might employ, for he was no secretary to translate it himself."

The earl of Abington moved, the letter was not read regularly; but the earl of Fife moved, writing this matter, said, "The French could not have received Toulon, if the war in Spain had been discovered." And the duke of Argyll added, "That the stress of the question was, whether the duke of Savoy intended upon a defensive war in Spain." The earl of Peterborough answering, that he intended to depend upon "that he intended to have 50,000 men out of Spain."

The Duke of Marlborough answered the lords, "That the project of an attempt upon Toulon was first proposed to the duke of Savoy by Mr. Hill, in 1703, and afterwards negotiated there by his grace himself with his royal highness's secretary, count Brissac, and count Mailly; that 50,000 men were, at first, ordered to the duke of Savoy, for that purpose; but it was, at last, agreed, that he should have 100,000. That the year before the execution of that design, the duke of Savoy seriously declared, that it might be kept very secret; so that it was very remarkable he should speak of it to any body, and send 1,000 men out of Spain for that purpose." *considering*. "That the attempt upon Toulon did not succeed for want of men, since there were more 17,000 left behind in Italy, but for want of time, and other accidents." *Notwithstanding this*.

The Earl of Peterborough affirmed, "That, according to his instructions, he had concerted with the duke of Savoy the attempt upon Toulon." *Whereupon*.

The Earl of Pembroke said, "That in such a case, 50,000 men out of Spain might have made a strong diversion, and contributed to the reduction of that place." After this, the clerk read a Letter from the lord Cradock to the lord Peterborough, dated Feb. 13, 1705-6, importing, in substance, "That care had been taken of all his letters, that they were all open which the earl of Peterborough wrote, & proceeded" *intended*, that the war in Cremona might be offensive; and that this was the particular design of prince Eugene, which ought to be completed with."

The Earl of Peterborough having often mentioned his Instructions for treating about the siege of Toulon, the lord North and Grey moved that these Instructions might be read; but the earl of Rochester objected, that could not be done without the queen's leave, the lord North and Grey replied, "They might present an Address to the queen for that purpose." This being moved by the duke of Buckingham, the lord North and Grey requested "though it is remarkable, that the earl of Peterborough said, "That Mr. Broome Hedges might be desired to attend, and be consulted about this matter," and thereupon the lord Halifax dem-

anded, that the said Peterborough's Letter to Mr. Secretary Hedges might be laid upon the table, saying, "That since the duke of Savoy was for an offensive war in 1705, he mentioned how it should be a crime in 1707." *To this*.

The Earl of Nottingham answered, "That the earl of Peterborough's letter ought not to be laid on the table, unless he pleased. That if a divorce could be more ascertained, than to say that because the duke of Savoy was for an offensive war in 1705, he was for it the next season in 1707. That when the duke of Marlborough had said about the contrary made in the duke of Savoy, for an attempt upon Toulon in 1705, was very true; he (the earl of Nottingham) having sent home to Mr. Hill about it; that it appeared by general Stanhope's letter, that he was for an offensive war, unless some attempt upon France made it necessary to be so the defensive, which implied, that he knew the design upon Toulon; and that the duke of Savoy wanted troops, appeared by his writing for the German recruits." The lord Chequer moving upon the necessity of having the earl of Peterborough's original Instructions, the chairman put him in mind of what already had been suggested, "That these might be some secrets in them, and proper to be made public." to which the lord Chequer replied, "That the argument upon a probability, when there might be a certainty, showed the necessity of calling, at least, for such part of the said Instructions as related to the matter," saying, "That Toulon might be mentioned in them; but it was ordered to know in what manner it was mentioned." In answer to this the duke of Argyll said, "That even supposing an attempt to be made on Toulon by the earl of Peterborough's Instructions, yet it appeared very plain, that he had concerted that project, from his letter to Mr. Secretary Hedges, from Mr. Stanhope's letter, and from the earl of Galloway's confession." The earl of Sandwich complaining of the delays, and of some lords moving on the same thing; the lord Halifax answered, "He designed to make all deliver necessary to get a right information."

saying, "That the earl of Peterborough had desired that Secretary Hedges be called and examined." The earl of Peterborough explained what he had said about Mr. Charles Hedges, writing he only mentioned him about the letter his lordship wrote to him in French. But nevertheless, the lord Halifax moved on the necessity of having the Parli. Instructions laid before them, *saying*, "That since our papers were duly published towards this enquiry, why not these Instructions, which were so material as any of the rest?" The earl of Rochester waived this objection, saying, "There was no necessity to have these Instructions, since they would be of no use, for it appeared already very plainly, that the design upon Toulon was known." The duke of Buckingham, the earl of Nottingham, and the earl of Salisbury on the same side, and in last between right and wrong in the enquiry, the earl of Rochester

main question, about the end of Calvo's Lord Treasurer, and Mr. Stanhope, being put, it was carried in the affirmative by a majority of 84 votes against 43; after which the Lords adjourned to the next day.

Third Debate in the House of Lords on the War in Spain [On Tuesday, the 21st of January, the Lords being sat, a Letter of the queen and address to the establishment at Spain, which is their lordships' order, had been laid before them, was read aloud with, because the house was so engaged, was not mentioned in a second reading. But was ordered to be laid before the House. Then several Papers were read, particularly the following Letter from the earl of Sunderland to my lord's lordship:

"My lord, This is to acknowledge the receipt of your lordship's letter by Mr. Stanhope from Valencia, of October the 24th, &c. &c. together with a copy of your letter to the lord Bury, of the same date. And to represent you, that her majesty does approve of the resolution of my lord Rivers touching his service in Valencia, and that she has sent him orders to go forthwith, in doing business with the court of the king of Spain, and your lordship, not withdrawing any orders he may receive from thence to the contrary, (such having been sent some time.) I am commanded (she, by her majesty, to request your lordship, how concerned she is at the necessities she is under in the service, which makes you do so much more; which request her majesty would not deny, but that she is of opinion, that besides what relates to the command of her own troops, and an influence that is owing up to be laid upon the king of Spain, there is nobody but your lordship that can possibly, in any way, manage the Portuguese in that, if you should retire, that always will be quite useless, and consequently the whole affair of Spain irretrievable. I am considering, when you return upon this, you have her majesty's service, and the commands come so much to hand, that you will have patience, at least one campaign more; and your lordship may depend upon it, that there is nothing so far as she's power to do, to make you as easy as possible, and to remove the difficulties you have hitherto struggled with, that will not be done. You will see by her majesty's letter to the king of Spain, how much she takes that to heart, and how warmly she sends upon his behalf to intercede with you in your commands and advice—I will not say any more upon this subject, you will have it as much as we strongly recommended to you by my Lord Treasurer in his letter, read by Mr. Mordaunt, when you see him. I must also request you, that the queen has ordered my lord Portland's command of assistance to be recalled, which, I hope, will contribute to make all that matter more easy. Since her majesty is willing to consent that the troops with the lord Rivers should join the king of Spain and the troops in Valencia, &c. &c. that they should be kept all together in any way,

and under one general, that they may march straight to Madrid, without dividing themselves, or removing themselves in taking inconvenient places, and such little progress; the doing of which before, was one great reason that the last campaign you was not joined by any body of troops sufficient to keep you in possession of Madrid. This makes it yet more necessary for your lordship to stay. You may nobody but yourself will have influence, or credit enough to keep them together; and to guide you the better to do that, the most effectual measures will be taken to persuade the Portuguese to stick to the decision they have procured by the way of Toledo, and in order to it, they will be assured, that the troops from Ireland that were to follow the lord Rivers, shall be sent as soon as possible to join them, and enter Spain that way. I must also request you, that such measures are taking with the duke of Savoy, for the next year's campaign, as will effectually prevent the French sending any considerable force more into Spain. I send you here enclosed a copy of Mr. Cavender's Letter to the queen; if you think what he proposes practicable, and that the circumstances of affairs do allow it, her majesty thinks it would be of great advantage to the common cause; but that must be left to your judgment. I give you at second in writing, that all the shipping was gone from hence, except that of eight barbetons. As for the six regiments, whose orders are to be sent home to raise their men, it is her majesty's pleasure, that the charter of the said regiments be sent back, and that your lordship would order an account of the out-reachings to be sent hither. I am, &c. &c. &c. &c."

The duke having done reading, the earl of Sunderland proposed the following question

"That it appears by the earl of Sunderland's Letter to Mr. Stanhope, that the design of an alliance War in Spain, was approved and directed by the Cabinet Council, notwithstanding the reasons of general Stanhope, in case of an attempt upon France, which they knew was then concerted with the duke of Savoy; which contributed to our misfortune in Spain, and to the disappointment before Valen."

Resolution chosen [After a small debate, it was resolved to present an humble Address to the queen, "That she would be pleased to give leave to my Lord, or other, of her cabinet-council, to communicate to the House, any Paper or Letter relating to the affairs of Spain." This Address, by their lordships' order, was immediately carried up to the queen at St. James's, by the hands of the administrators, viz. the duke of Buckingham and Marlborough, who being required, and the House (that had dispersed during pleasure) returned, as soon as they were, she desired to hear the debate amongst, was came to the House, the duke of Marlborough reported, "That her majesty had graciously been pleased to grant the desire of the Lords."

[End of Mr. Stanhope's Speech Question] The

Letter being gone was a narrative of the whole House, and the earl of Abingdon said in the chair, the earl of Sunderland delivered the following Question: "That it appears by the earl of Sunderland's Letter, that the carrying on the war vigorously in Spain, was approved and directed by the ministry, notwithstanding the design of attempting Toulon, which the ministry knew at that time was concerted with the duke of Savoy, and therefore not justly to be blamed for contributing to all our misfortunes in Spain, and to the disappointment of the expedition against London."

Debate therein. The Lord in the Chair has agreed this Question,

The Duke of Devonshire expressed against the alteration that had been made in it, particularly against changing the word of 'Cabaret Council' which was in the question first proposed by the earl of Sunderland, into that of 'Ministry.' To which

The Lord Rivers answered, "That the earl of Sunderland was at liberty to make what alterations he thought fit in the question, thus being a new question," and

The Lord of Sunderland added, "He thought it no other the question, because the word 'Ministry' is better known than that of a 'Cabaret Council.' But

The Earl of Rochester replied, "That the committee was, in effect, the same, as when the first question was proposed, and as they were adjourned to consider it, no alteration of a question is it by already before them, ought to be admitted."

This objection, which seemed to carry a great deal of weight, was, however, removed by the earl of Abingdon, who said, "This was the same committee, for the House was resumed, and then adjourned three pleasure, before he could get directions to report." And the earl of Portland having moved the debating of the second question, the duke of Devonshire said, "The worded any Lord in the ministry should approve and direct an offensive war in Spain, or that junction, and in particular toward the earl of Sunderland." Harrope.

The Lord Cragg, in answer to what had been alledged by the earl of Sunderland, to justify the alteration made by his backing in the question, said, "That in his opinion the word 'Ministry' or 'Ministry,' would run very the same reception with 'Cabaret Council' that there was both terms of an identical signification, that there was besides in the question the word Ministry in the plural, which implied many. And therefore he moved, That the earl of Sunderland's Letter might be read, that it might appear, whether was necessary only, or more, approved and it required no other way? There being several Letters of the earl of Sunderland's lying on the table, the chairman of the committee desired to know, which of those these lord-ships would have read? To which it was answered, "That of Feb. 26th, 1709 & 10 & in answer to Mr Stanhope's Letter of the 14th Jan. N. S." Upon which the clock was

directed to read that letter, importing in substance, "That he was sorry they were only (naming the lords Oakley and Tyrerley, and Mr Stanhope) were of that opinion, that nothing but interest could induce others to the contrary; that the driving the Army would be the ruin of all, that the queen entirely approved what Mr Stanhope had done in the Council of War, as he would see more at large in the enclosed from my Lord Treasurer. That this would reach the queen's opinion, that the best way in the most pressing terms to King Charles about it. That, as for the earl of Peterborough's proposal in Italy, the two secretaries Mr Stanhope gave to them the letter. That he sent him a Letter for the said Rivers, which he desired Mr Stanhope to deliver to him, if he took upon him the command of the army, by the lord Oakley's giving it up. That, however, the earl of Sunderland hoped, he would not do, in which last case Mr Stanhope was desired to have that letter, concluding, that the Lord Treasurer had settled the resolution for the army, &c." After the reading of this letter, the lord Cragg said, "He could not find a distinction between the promises (viz. the said Letter) and the sentence in the question; And therefore if it should pass into a resolution, he would never be peace."

The Earl of Rochester replied, with some reluctance, "That after the Message that had been sent to the queen, and her majesty's gracious answer, he did not expect to hear of such an objection; as that there was no connection between the promises and the sentence; that he knew very well the meaning of that objection; that the several years past they had been told, that the queen was to answer for every thing; but he hoped that time was over, that according to the fundamental constitution of the kingdom, the ministers are accountable for all. And therefore he hoped no body would, — nay, no body dare, raise the question in this debate."

The Lord Cragg replied, "That the alteration made in the question ought to be explained" saying, "That the word 'Ministry' is of an ancient signification, and 'Cabaret Council' a word unknown to our law; that if that argument sensibly proceeded to a course upon now, the world might to know who they were, that he hoped the Lord who proposed the question, would explain himself; and hoped, at the same time, that if any body were moved, it would appear to his natural ground, that he had the honour to be one of the ministry, and did not know whether it was designed to involve him in the same concern; but he protested, with the utmost sincerity, that while he was at that post, he gave his advice, and acted in the best of his understanding, and with an honest intention to serve the queen and his country."

The Earl of Sunderland said, "He thought the word 'Ministry' very proper; and that the Lord Treasurer, that is, the lord

Godolphin, was named in the end of Sunderland's letter."

The Earl of Pembroke said, "That there is a distinction between the Ministry and the Cabinet Council, for those who were of the Cabinet were ministers."

The Duke of Beaufort said, "That the word Cabinet Council does not imply all Ministers."

The Lord Kereford added, "That the word Ministry is more proper than Cabinet Council, but however, it was indifferent which they said."

The Earl of Godolphin replied, "That since the word Ministers was never spoken, it was needless to dispute in the end, because their lordships ought to be seen, as when they disagreed in debate. And then taking notice, how late it was in the night, and that a person concerned in the debate was absent, he moved for adjournment." *Mr. Pope*.

The Duke of Leeds made a pretty long speech; the most material passage in which was, "That her majesty having given leave for any Lord, or other of the Cabinet Council, to communicate what they knew about the affairs of Spain, no offence could be taken if any person cleared himself." Upon which

The Lord Carter said, "He knew not whether it was included in the word 'Ministry.'"
Mr. Pope.

The Earl of Pembroke said, "That was the last time that this new distinction between 'Cabinet Council' and 'Ministry' was made a dispute, which looked like a delay."

The Earl of Ailes said, on the same side, "That it was improper and improper to take notice, in the debate, either of the Address in the queen, or of the question proposed before, in both which the word 'Cabinet Council' was inserted: that it was true, the word was not commonly known in the law, neither was the word 'Ministry,' and therefore they ought to use a plain English word. That he could mention no instance at the Revolution, when a word of an antient significance obstructed such debate. That he wished, if the question should pass with the word 'Ministers,' they would request two Lords that had been already sworn—that he should be sorry to hear, or repeat the words—but, however, he thought it necessary to name them." To this

The Lord Halifax answered, "That the mentioning the Address and former question, was not improper; that they were stating the significance of two synonymous words of great weight and importance in that case; and therefore he desired, that the Address in the queen might be read." This being done accordingly, his lordship added, "He wondered at the method used on this occasion. For he understood the queen was desired to give an immediate Answer to the Address; with an intimation, That the House was sitting, expecting her majesty's Answer, which was not read." *Mr. Pope*.

The Duke of Argyll said, "He thought what the noble Lord then spoke last had said, was exceeding like those of being an secretary in the queen." At which several Lords saying, "Go on!" the Lord Halifax said, "That if their lordships looked at their Journals, they would not find it so."

The Earl of Pembroke speaking to the Lords, "Whether the words 'immediate Answer' were ever mentioned?"

The Duke of Northampton said, "He never heard of any such thing spoken; and if he had, he would rather hear gone to the Tower than have carried such a message." Upon which

The Lord Mordaunt moved what he had said, alleging, "He was not in the House when the Address was read, but had been told, that a motion for an immediate Answer was made; which he believed was without a precedent." To this

The Earl of Argyll answered, "That every thing had been mentioned, but if it had, it would not have been unusual; for he remembered such a Message was sent to the late king William when he lay sick. That they had been long debating about the words 'Ministers and Cabinet Council,' and that, to prevent all exceptions, both might be put in the question." *Mr. Pope*.

The Earl of Peterborough said, very strongly, "That he thought the word 'Cabinet Council' not so proper as 'Ministry.' That he had heard a distinction between the Cabinet Council and the Privy Council, that the Privy Counsellors were such as were thought to know every thing, and knew nothing; and those of the Cabinet Council thought nobody knew any thing but themselves. And that the more distinction might in a great measure, hold, as to Ministers and Cabinet Council. That the word Cabinet Council, was, indeed, too cumbersome for they disposed of all; they figured the ministry; they meddled with the war; they meddled with things they did not understand; so that, sometimes, there was no Minister in the Cabinet Council."

The Lord Halifax rising against the distinction made in the first question, and giving their lordships to speak in the same words they had used in their Address to the queen.

The Earl of Rochester removed his former expostulation, "That, for several years together, the queen was to answer for every thing, maintaining in the time when the Memorial of the Church of England was ordered, and the church was supposed to be in danger, (which for his part his lordship thought to be so, in the hands of some men) who the Answer was ready, to stop people's mouths. What! to respect the queen?" He added, "That the distinction between Cabinet Council and Ministry, was a mere vanity used only to delay. That he knew the lord Godolphin was in that high station." And concluded with a motion, "That the Lords would give an account of what they knew, prompted they would

"Showing the word Address. See vol. 2, p. 66.

"speak to the point in question, and not to a matter."

The Duke of Argyll said, "He thought all ministers were of the Cabinet Council, but that all the Cabinet Council were not ministers."

The Lord Carter urged "the ambiguity of those two terms, as an argument against using them; the rather, because of fear of the Lords that were for the question, were were of one opinion, and two of another. That, however, he hoped they would drop this, and debate the main question. That for his own part, he was of opinion, that the war in Spain ought to be offensive and not defensive. That this was the sense of the whole kingdom. That he did not remember, that, when the earl of Peterborough's letter to our Charles Hedges, about his lordship's project, was read, there was any difference of opinion in the Council. All being unanimous for an offensive war with Spain. That when the project against Toulon was concerted with the duke of Berwick, his royal highness never denied that the war might be defensive in that kingdom. That it was unreasonable and unprecedented to create room for an opinion, because it had proved unsuccessful, and thus, for his own part, he gave his advice with the best and most sincere intentions to serve his country."

The Earl of Peterborough answered, "That one would be apt to think the ministry were, indeed, for a defensive war, when they suffered him to waste men, money, and all resources. That though he had objections to treat about the siege of Toulon, he had letters of recommendation sent him on a sudden; which, however, he sent back unopened, because having apprehended, in several parts, with the character of ambassador plenipotentiary, and the duke of Berwick having taken his credentials, he could not give re-credentials. That his project, so telling as it was accounted by the ministry, would have taken Toulon, whereas the regular project proved abortive. That when he came home, he was coldly received and disregarded, but preserved himself, not only by his integrity and little services, but also by caution and patience." After this, his lordship explained his project upon Naples, which was to have been put in execution in February. Adding, "That by the reduction of that kingdom, which was already disposed to declare for King Charles, and by the conquest of Sicily, the allies would have had 20,000 men in arms against France, and plenty of provisions to supply their losses in Spain. As for Toulon, that it might have been invested in the winter, when there was no garrison to defend it." And so prove that he had concerted the siege of that place with the duke of Berwick, his lordship produced a letter from his royal highness; but offering to read it, several Lords cried, "No, No," in answer to the Earl of Peterborough's Speech.

The Earl of Godolphin said, "He would give their lordships an account of his thoughts and

reasons, why that noble earl's project was not approved, viz. That the very occurrence of it, as transmitted later by the earl of Peterborough, is a letter, in French, to our Charles Hedges, read the day before, shewing, that it was impossible the duke of Berwick could be ignorant, the other project being already concerted, and his reasons were extremely strong, as his royal highness's name, that it might be an absolute secret; so that even your Grace knew nothing of it, at the time the earl of Peterborough wrote that letter." *Hearings.*

The Earl of Nottingham standing up, said, "That it was too common to judge of men by the events. But God forbid that House should follow that method. That he would give the Lords his thoughts, why he should not, in that juncture, have been for an offensive war: that he would not speak as a soldier, because he was none, but would speak only to matters of fact; and if he was wrong, he desired any lord there to rectify him: that he had no paper, as necessary against any body, and would have justice done without partiality: that he appeared by the Address, in Representation the earl of Godolphin gave of Affairs, towards the end of the year 1708, or beginning of 1709, that we were to propose a condition in Spain, that nothing could hurt us: and yet, notwithstanding the reinforcement which the earl Rivers brought to Spain, there were not above 14,000 men at the battle of Almanza; that as such circumstances, the advising an offensive war, was very ill counsel: And therefore he concluded for the question." Upon this

The Earl of Sunderland said, "He gave his opinion for an offensive war, because, to the best of his understanding, it was the best counsel that could be followed. That it was the general opinion and sense of the nation, that the earl of Godolphin should march again to Madrid; that all the ministry there were unanimous in their opinion for an offensive war; and that many inconveniences might have attended the dividing of the army."

The Duke of Marlborough said, "My lord, I had the honour of the queen's command to treat with the duke of Savoy, about an attempt upon Toulon, which her majesty, from the beginning of this war, had looked upon as one of the most essential means to finish it. And I can assure you, that in the whole negotiation, with his royal highness's ministers, out of whom, except Drancon, a droll, the other, count Maffey, is now here, not one word was spoken of Spain, where the war was to be managed, upon its own bottom, as well as that of Italy; and both independently upon one another.—As for the war in Spain, it was the general opinion of England, that it should be offensive. And as to my lord Peterborough's project, I can assure your lordships, that out of the greatest instances that Holland and Savoy made, was, that the response, and yet, doubtless most upon an expedition on Naples, which might render the other dangerous.—My lord

my intentions were always honest and sincere, and therefore all that lay in my power, to keep my money and expensive war in an end. God's bounty has blessed my endeavours with success; but if you are to be convinced when I see them opposite to the head of their colonies, I must expect to see them made with an end to do so. My mind is weary and every body in Spain, has a share in this; and though I must own, that lord has been unhappy, and that he had no positive orders for a battle, yet I must do him the justice to say, that the whole Council of War was of his opinion, to hold the army before depending up on the Duke of Orleans, with a reinforcement of 2 or 10,000 men.—On the other hand, I must confess, I do not understand, how the separating of the army would have favoured the siege of Toulon.—The earl of Peterborough saying therefore, "That there was a necessity of dividing it, to go to Madrid." The Duke of Marlborough remaining in speech said, "I will not consider that led us to the ruin of the country; but the separating of the army could not be a step to a defensive but to an offensive war, which, in my opinion, was the best way to make a diversion, and thereby hinder the French from achieving Toulon. But after all, that unhappy battle had no other effect, than to put us upon the defensive, for the French troops that were detached from Spain, never came before Toulon."

The Duke of Argyll being answered this last part of the duke of Marlborough's speech, re. That the battle of Almanza did but put us upon a defensive in Spain. Added, "That as for what related to the earl Rivers, it was certainly a fault to prefer an inferior foreigner before a peer of Great Britain."

The Lord Cowper replied, "That the answering Mr Stanhope's Letter, by appearing in silence, was certainly the wisest, the least ill, and the more popular opinion; every body in England being then for an offensive war, that he wished every minister in that great assembly would lay his hand upon his heart, and say, in conscience, whether he would not have been for the same opinion?" That to have advised a lingering, expensive, defensive war, would, no doubt, have now been made more criminal than the choice, which was being enough. That the raising the siege of Toulon, could not, in reason, be expected in the offensive war in Spain, and so the loss of the battle of Almanza; but rather to the expedition to Naples, the slow march of the Germans into Italy, the slow march of the Germans into Spain, through the country of Valencia, and other unnecessary accidents, which attend all human affairs. But, added his lordship, if this question should pass into a Resolution, it will be the comfort or shame on whom the crown will fall, that the world will judge, that a resolution occurred to the crown, and forced consequences, known from the previous. My lords, all high-spirits here agree, it is their courage and inclination. To conclude, I re-

peat it again, it will be a resolution, that the crown were not warranted by the proposition."

The Earl of Pembroke answering, "That the battle of Almanza was a necessary consequence of the opinion and disposition of the ministry."

The Duke of Devonshire replied, "The reinforcements the crown received, that were sent against an offensive war in Spain, were for it more years before, than against the rest, the earl of Nottingham moved for 10 battalions to be sent from Flanders to Spain, which could not be for a defensive war, that, after the battle of Almanza, as French troops were sent from Spain to relieve Toulon, and, in short, that an offensive war is always the most effectual means to procure a peace."

The Duke of Shrewsbury answered, "That in all things the circumstances ought to be considered; that an offensive war may be proper at one time, and a defensive war, at another. That having been urged, that no French troops were sent from Spain to relieve Toulon, it was certain, some troops were ordered, and upon their march, whose approach might have the same effect, as if they had actually arrived in Provence. That it is true, the nation is for fighting, and for an offensive war, but not for going to Madrid right or wrong, it was general Lord-ship's opinion, approved by the majority. That the lord Gills was had a good reason to fight, because he could not help it. But that there was no reason for the ministers here, to give that opinion, because nothing forced them to it."

The Duke of Devonshire taking advantage of the occasion, said, "That were the allies could not retreat without fighting, it was unreasonable to accuse the generals who gave their opinion for a battle."

The Earl of Nottingham moved, on the other side, "That he made the proposal for sending 10,000 men from Flanders to Spain, but that was after the battle of Almanza; and that only 2,000 were sent. That, as to the business of Toulon, it was certain, that, immediately after the news of the battle of Almanza, the count of Provence ordered detachments to be sent from Spain, as appeared by the Force journal of the 14th of May, 1709. That he would not advise these troops did actually march into Provence; but that, as he had been observed, their approach was sufficient to contribute to the raising of the siege of Toulon."

The Earl Rivers said, "That it had been alleged that the battle of Almanza was fought because the allies wanted provisions; but he could assure their lordships, that there was a good reason here to leave, when brought their provisions for eight days. That, as truth, they did not choose to fight, but rather to retire towards Calovra, having, for that purpose, sent general Carpenter's house, with part of his dragoons. But, upon the receipt of orders from England, they suddenly resolved upon a battle, in which they were joined by general Carpenter, and without communicating to the Council of War the strength of the enemy, of which they

had intelligence by two deserters the night before the action."

The Earl of Ferrers said, "That it was plain, the Council of Valencia was the cause of all our misfortune in Spain. That the resolutions taken on it, were carried against the opinion of king Charles, and his ministers. That it was certainly a sort of necessary vote to approve that granted; for a secretary of state gives no direction but from the cabinet council. That it seemed as if the issue of the raising the siege of Toulon, was intended to be laid on the emperor's knees; but that empire would be more proper to make use of; and that another thing was to be required more, viz. What number of forces is her majesty's pay worth, at that time, in Spain? and so concluded on the question."

The Lord Mohan,⁸ on the other side, said, "He was against it, for several reasons. 1. Because he knew not who was moved by the ministry; and he would not have a sentence pass upon persons, who neither deserved, nor were intended to be censured. 2. Because the advantage of an offensive war was, at that time, no advantage. 3. Because he would be just to all

members, and not accuse any body that gave his opinion to the best of his understanding, and with an honest intention."

The Lord Ferrers moved freely to these lengths, "That, had he been in the place of those that gave the counsel for an offensive war, he would have been of that opinion, because he should have thought himself as if circumstances should arise, things against the general opinion, asking, That the ill success of the battle at Almansa was no good argument against the counsel for an offensive war; for, if they judged of opinions by events, no man could be safe."

The Lord Rivers having viewed these matters, he other good reasons why the Toulon business did not succeed.

The Earl of Rochester said, "That, for his own part, he must confess, that, had he, at that time, been of the cabinet council, he could not have been for an offensive war; nor would popular arguments have swayed his opinion; for he could not see the reasons, that, because the people love action, we should be perpetually fighting. Concluding, upon the whole matter, that he was for the question."

⁸ "Charles, lord Mohan, (son of Warwick, lord Mohan, by Philippa, daughter of Arthur, earl of Anguliers,) came to the world when very young. His mind was small, and his mother was married to William Coward, my servant at law, in consequence his education was neglected. Low connections left the youthful lord into brutal scenes of debauchery and riot. Connected with lord Warwick and another gentleman, as 'a midnight band,' in the street, these persons fought three. Captain Richard Coote was killed. Warwick and Mohan were tried by their peers. The former was convicted of manslaughter, but the latter was acquitted. The shocking circumstance made deep impression upon his mind. Some years after, Mr. Hamilton, 'one of the best and most amiable actors that ever trod the stage,' was murdered as he was walking in London, by captain Richard Hill, aided and abetted by lord Mohan. The quarrel originated, it was thought, in a supposed conversation between Hamilton and Mrs. Bragagada, the actress, whom Hill addressed with an intention of marrying. He was acquitted for this second murder. Shocked with the enormity of his behaviour, at his arraignment, he expressed 'his confusion for the scandal he brought upon his degree, as a peer, by his behaviour, in very handsome terms; and professed to believe himself so, for the future, as 'to give further scandal.' He acted as if he had spoken from a conviction of his guilt, by applying himself to those persons who were his old school-fellows. In the army he took the colour of a regiment. In the house of Peers he often distinguished himself by a vigorous speech. Charles, earl of Mordaunt, whose name he had married, took his friendship with him to Hanover, when he went to that court, to attend on the parliament.

of the crown upon the distressed House of Brunswick. Telford says, 'that some of the company was more generally acceptable; that some lived with greater sobriety, nor debased himself on all occasions with better judgment than lord Mohan; and he will sometimes commend the world of his other nature, so that he will be to prove an ornament to the upper House of Parliament.' Lord Mordaunt, who died at Hanover, November 4, 1701, without issue, left him a considerable estate, which he managed with great prudence. Lord Mordaunt was succeeded by Peter, his brother, who dying a bachelor in 1709, there was much dispute about the property. The duke of Hamilton had great claim, having married Elizabeth, sole heir of the earl of Mordaunt. It unfortunately happened that the duke, and lord Mohan, who had likewise his claims upon the estate, were present at an examination before master in chancery respecting the matter in litigation, when the former, reflecting upon the vanity of Mr. Whitworth, who had been steward to the Mordaunt family, said, 'he had another truth, nor justice in him.' Lord Mohan instantly replied, 'he had as much as his grace.' High words ensued, and they parted in mutual rage. On the following day lieutenant-general Mordaunt carried a challenge to Mohan from the duke, who had been appointed ambassador to France, where he was to have proceeded immediately. On Saturday, November 12, 1710, they met in Hyde Park, where each killed the other. Lord Mohan was buried in Westminster Abbey. They perished these unfortunate soldiers. Mohan had been most vicious, and Hamilton was very amiable." Noble's Consequence of Gregory.

Several Lords asking for the question, and the Liberator rising in order to read it.

The Bishop of Ely said, "He had only one word to offer, which was, that it not appearing to him that there was any premeditated design in the minority, when they gave their opposition on this subject, might be taken out to set the question."

The Duke of Argyll having desired, that upon the question was read, he might offer another, the vote was readily agreed to. And then the Earl of Abington put the following question.

"That it appears by the Earl of Sunderland's Letter, that the carrying on the War otherwise in Spain, was approved and directed by the minority, notwithstanding the design of attempting Toulon, which the majority knew at that time was concerted with the Duke of Savoy, and therefore was partly to be blamed for contributing to all our misfortune in Spain, and to the disappointment of the Expedition against Toulon."

From happening a division, the Earl of Portland and his friends supported Tellers, and, it appeared, that there were 68 Lords Content, and 43 Not Content.

Thanks voted to the Earl of Peterborough [The Duke of Argyll then made a Speech, expressing, in substance, "That he was informed, that the Earl of Peterborough had the Queen's commands to negotiate matters of great importance, and was to set out the next day. That he hoped every member of that House was persuaded, that he had performed great and constant services to his country, notwithstanding the difficulties and discouragements he laboured under; and how, with a handful of men, he gave thought he might call them a handful, since they were amounted to 25,000 men, he took the important city of Barcelona, and reduced so many provinces of Spain. That he needed not tell their lordships how he had been rewarded for these great services: but that it was his opinion, they ought to pass a compliment upon him, which was all the reward they could, at that time, bestow: and therefore it was his grace's motion, that the question be put."

"That the Earl of Peterborough, during the time he had the honour of commanding the army in Spain, did perform many great and constant services; and, if the opinion be given to the Council of War at Valencia, had been followed, it might, very probably, have prevented the misfortune that then happened at Valencia in Spain."

This question being carried, without dividing, the House was recessed; and the Earl of Abington having reported the two Resolutions taken in the Committee, the Lord Keeper put the same question, severally, to the House, which were again agreed to. But before the second question was put, the Earl of Wharton desired, "That the Lords, who were for the first question, might say, 'Agreed, and that such Lords as were against it might call their Protections.' Which they did accordingly."

A motion for adjourning to the Monday following having made, the Earl of Rochester made another motion, That such Lords as pleased, might make remonstrances on the Provisions of such lordships should protect; which was agreed to. Then the Duke of Buckingham rising, and being moved to rise, said before they adjourned, and that he would propose a question which he was sure would be readily agreed to, viz. "That the Earl of Peterborough was the Third of the House, for his constant and remarkable services; and that the Lord Keeper return him the Thanks of the House accordingly."

The Lord Keeper's Speech on giving the said Thanks [This question being unanimously agreed to, the Lord Keeper addressed himself to the Earl of Peterborough, in the following Speech,

"My Lord Peterborough, I am commanded by my Lords to return their Thanks to your lordship, for your many services and faithful services to your Queen and Country, during your command in Spain.—My Lord, 'The thanks of this illustrious assembly is no honour which has been rarely paid to any subject, but serve after a stricter enquiry into the nature of any service, upon a more mature deliberation, as with greater justice, than at the time to your lordship.—Such is your lordship's brave generosity and truly noble temper, that I assure myself, the present I am now offering to your lordship, is the more acceptable, as it comes pure and unmixed, and is not tinged with any other reward, which your lordship might justly think would be an injury to.—My Lord, had more days been allowed me than I have had leisure, so call to mind the wonderful and amazing success, which perpetually attended your lordship in Spain, (the effect of your lordship's personal bravery and conduct) I would not attempt the enumerating your particular services, were I should offend your lordship, by the manner of such as I could recollect; and give a just occasion of offence to this honourable House, by my involuntary omission of the far greater part of them.—I bid your lordships were counsel, particularly your advice at the council of Valencia, been pursued in the following campaign, the fatal battle of Alcinon, and our greatest misfortune, which have since happened in Spain, had been prevented, and the design upon Toulon might have happily succeeded.—I shall desire your lordship no longer than in obedience to the order I have received, to return your lordship, as I do, the Thanks of this House, for your constant and remarkable services to your Queen and Country, during your command in Spain."

The Earl of Peterborough's Answer [—My Lord, For the great honour and favour I have received from your lordships, I return my most humble Thanks, with a heart full of the greatest respect and gratitude. No service can deserve such a reward. It is more than a sufficient recompense for any past lordship; and to add such thanks, gives you an addition.

circumstances of the war, as it then stood; we are of opinion, that an offensive war was then just, but that in her majesty's service to advise, and we do not feel concern, by any thing arising on the present issues and debates, to be of another opinion; the occasion of fighting the battle of Blenheim, depending, as we conceive, on causes subsequent to that advice, the disorders of it, as we apprehend, being justly ascribed to other manifest causes, and the real design on London, as finally adjusted with the duke of Savoy, not requiring, as appears to us, the assistance of any forces from Spain. (Signed) Devonshire, Kent, Lincoln, Wharton, Godolphin, Ogle, Town, Somers, Jo. Lockhart and Coventry, W. Apsch, Daines, Fox, Mordaunt, Stoddard, Bolton, Bedford, Lancaster, Newcastle, Buckingham, Scarborough, J. Esq. W. Lenoir, Jo. Lenthall, Hervey, Rich. Pakenham, J. Banger, Marlborough, Dorchester, Urquhart, Herbert, Mordaunt, Cooper, Ashmole, C. Norwich, Bridgeman, Derby, Carleton, Berkeley.*

The Earl of Galway's Reply, or Observations upon the Earl of Peterborough's Answer to the five Questions proposed to his Lordship by the Lords, are as follows.

"Your lordship having been pleased to allow me a copy of all such Papers as have been produced, to prove the truth of the earl of Peterborough's Answer to the 5 Questions first of which proposed to him by the honorable House, together with a copy of those Questions and Answer, with leave to answer to any such part thereof as I might account myself to be concerned in, and have not already voluntarily explained in my Narrative, I do take the liberty of observing to your lordship, that,

"The earl of Peterborough, to the first Question is pleased to say, 'The management of the War in Spain, when under the conduct of other generals, was not truly supported with good conduct of men, and not more of money, but also with numerous blunders, published in their favour, to excite their repeated ingratitude.' Whereas his lord is present but remembers, that when he sailed from Portugal with the king of Spain to Barcelona, he left only one regiment of horse, and a small force, under my command in that country; I have voluntarily offered him, and he has freely accepted of two regiments of dragoons from Portugal, and four battalions of foot from Catalonia, which I had sent to the defence of that place—I declare, I never intended the said earl's conduct, either by treaty or otherwise, though it seems the queen had been fully informed thereof, particularly in regard to the misunderstanding between his lordship and the king of Spain, to which his lordship himself has attributed his delays in relating to his majesty's servants or by count Galvez. Moreover, a copy whereof has in your lordship's table it is well known, the first dragoon that ever happened to us in Spain, was accompanied by

his lordship's not joining us in time at Madrid; and all the misfortunes that attended an offensive war, were owing to that neglect.

"His lordship is pleased to say further in his Answer to the same question, 'that in consequence the fatal battle of Almansa, a long war is to be used in that reign, as to have it, in consequence, proved by numbers, declared, that he took, besides answering to 4 or 5,000 men, from a battle to be fought for his crown, the very reputation of honor and love maintained by him; Whereas it is universally known to the whole world, that he took only about 500 respectable Spanish dragoons, and that of the reinforcements to be taken away from the English general in Valencia, none of them were never to being others were ingenuously of raised hands in Barcelona, and some of them within 120 miles of that place.' Whereupon I beg leave to observe, that notwithstanding the Earl's reflection on that Paper published by authority, the account therein given is so far from having been exaggerated, that there were actually some battalions of regular troops absent in Catalonia, besides those mentioned in the Gazette, June 1707, and several officers who were at Almansa can depose, that there was not one Spanish corps, either horse, foot, or dragoon, on our side, at that battle.—If part of the king's forces were at 500 miles distance, that may be a reason why they could not be at the battle; but none can be more for their being at that distance, except in the case of some few garrisons, which might, indeed, have been necessary, but could I not require above 6 or 7 battalions, while the war was then in the field; who can but conceive myself lost, at that time, if his lordship had sent above 5,000 men, besides the Dutch and English that were in Arragon and Catalonia. And does ingenuously which the Earl is pleased to call raised hands, because they were the names of some particular towns of provinces that were so solicited of us, are no more so, than the regiments of the city and Burgundy in France, though rarely raised.

"In his lordship's Answer to the second Question he is pleased to say, 'That, from the earl of Galway's own first entry into Spain in 1706, a peace was and there returned him to the English.' The earl of Peterborough has it on his conscience that the earl of Galway, in consequence of that report, he was kept a great time at the instance of the Portuguese into Spain.' That his lordship says upon this account is very true, but while he was at us great a distance, beyond to Barcelona, and the duke of Berwick, with a considerable body of his men, between him and us, as was our purpose to think of sending dragoons by land, neither could it raise any to reduce the army that says, that the Portuguese were resolved to continue the war, until the assistance of the foreign generals in the contrary to ensure both upon our own country, after their army had advanced as far as the bridge of Almansa. But when we got to Madrid, I immediately set him on my dispute with letters,

both in the end of Penzance, and the king of Spain, that it was morally impossible his lordship could have been ignorant, above eight days, at our arrival there, and I have since been assured, by the inhabitants of Barcelona, that they were all informed of it by that time, from whence I must conclude, that his lordship's delays in joining us were voluntary, and not occasioned by some accidental cause. I have asserted in the Narrative, which I delivered into the most honourable House, that I do verily believe, if the Portuguese army had been joined to mine after their arrival at Madrid, by the forces with the king of Spain, and under the command of the earl of Penzance, we might have been able to have driven the duke of Anjou out of Spain, and have put an end to an expensive war: nor was this my opinion only, but that of all the world, at that time. And I find his lordship thinks it as his imports him, to clear of this imputation, that he is resolved to be rid of it as early as possible. For certainly, making less than an apprehension of the nature could have made him ever a day so improbable as that, where, in his further answer to the same question, he says, 'That he received no light, or intelligence from the earl of Galway, after his second entrance into Spain; nor had the least notice of his troops, iron, circumstances, or design, till he saw his troops retreating from the enemy, to take the strong camp of Guadalajara.'—Now what could be the design of his lordship's marching to Guadalajara, with so small a body of troops as he mentioned in his Narrative, unless he knew he was to meet us there? Besides, his lordship argues that he came out to Guadalajara six or seven days after the Portuguese had been actually engaged there, so I can make appear by the oath of several officers; and consequently, it was impossible for him to have seen us retreating thence—I believe it may be necessary, upon this occasion, to repeat, that when his lordship did join us, he brought no more English troops with him, than one regiment of dragoons and a detachment of another, though he had actually at that time under his command in Spain, 15 English battalions, and four regiments of dragoons; as likewise, that the officer, who his lordship says passed through his quarters with letters from the king of Spain, and gave for him, was never designed to have given us the several papers of his lordship, unless he had been obliged to it by a party of the enemy, as I have already explained more at large in my Narrative; and I cannot help observing, it is very improbable that officer could have occasion to apply to the said secretary for money, because I gave him no hundred pounds at the time I dispatched him.

"In his lordship's Answer to the third Question, he is pleased to say, 'That the earl of Galway continued about 40 days at Madrid, without making any endeavours to augment his troops, or provide any magazines for the subsistence of his army; that meeting the enemy unexpectedly, and retreating in the

'camp of Guadalajara, the troops went without provisions, and in the greatest disorder.' In reply to this paragraph, I do affirm, that the Portuguese could no longer tarry at Madrid, than was necessary to get the king's orders there, which did not exceed ten days; then, I proceed to say, as Guadalajara, about 40 miles beyond Madrid, where we obliged part of the duke of Anjou's troops to retire the enemy, but were not willing to engage them, at a time when he had reason to expect we should have been joined in a few days, by the forces with the king of Spain, and earl of Penzance, which was the only secure method left us to augment our troops; for it would have been very imprudent to have attempted to force camp of the Carlists, who were entirely devoted to the duke of Anjou's interest. But all the officers of the army knew, we were as far from wanting provisions, munitions, that we were in company of 8,000 horses to meet the king and the earl of Penzance, who, by their delay in not advancing fast enough, gave us much; and was afterwards punished by the protest. His lordship's representations of our want of magazines of the enemy's munitions, and of our danger upon this retreat, are as great mistakes as the former; for the occasion of our advancing to Guadalajara was purely to post ourselves in such a manner, as to prevent the enemy from marching or sending detachments to intercept the king of Spain; and when we had reason to believe him out of danger, we returned to Guadalajara, there to be joined by the king, and earl of Penzance; nor was it possible for his lordship to have seen our disorder had there been any, because, as I have already observed, he came not to Guadalajara himself, till some days after we had been engaged there.—Notwithstanding, the earl of Penzance is pleased to say, 'That we lost 3,000 men in the retreat to Valencia, without a blow, and entirely ruined our whole cavalry.' The certain, our loss upon that occasion, was not very considerable, if any, and the retreat made in so good order, that the enemy (suppose as they were in number) never dared venture to attack us, after the warm reception (owing two of their questions) met with from two battalions under the command of colonel Wren, in the town of Val-Nova, notwithstanding we were obliged to retreat place and river in that town.

"And though his lordship were in his answer to the question, 'That this retreat was made against the king's orders, and that of all his officers and ministers.' It is certain, the retreat was concerted and agreed upon as a council of war. It is true, some persons about the king advised, at first, it should be to have taken quarters in Castile, but that was soon after found impracticable; for none of those Spaniards, who were best acquainted with the country, could make a disposition of quarters, where the troops could be secure; and therefore it was resolved immediately to cross the Tagus, before the approaching winter should have rendered the

such impracticable; which being done, our next design was to have lodged ourselves behind the river Xarar; but neither could this be done, without taking a small town with a magazine that river, that commanded a bridge, where the enemy had a garrison; and therefore a disposition was made for attacking that town. But by the delay of the king's generals the execution of this matter was so long delayed, that the enemy had already reinforced their garrison, and were advanced to near as much a superior force, that it was not thought advisable to attempt the place. Thus the only resource left us was the kingdom of Valencia, whether we were absolutely to retreat, or we might preserve our communication with the sea, and reason with security.—Nor was to be wondered at, that count Berwick, as his letter to the earl of Peterborough, should even dissuade with the measures that were then taken, since it is well known, that general was understood to indicate these very measures, in councils of war, to which he had given his assent; for, being disappointed of the command of the army, (which was what he expected at his first arrival) he seemed resolved that no other general should have an army to command. It is very notorious, that a Dutch and Spanish battalion, with a detachment of English and Portuguese, amounting to above 3,000 men, were sent to Coruna, and thence away down (which had been resolved to retreat to Valencia) purely to testify his impatience; for I always knew it would be impossible to prevent a garrison at that distance from our quarters, but what is still more extraordinary, in sending the king's troops into Arragon with part of the Dutch, who might otherwise have been at the battle of Almanza, was another bad effect of count Noyelles's advice.

“In the earl of Peterborough's Answer to the fourth Question, he is pleased to say, “That several councils of war were held on the 15th of January at Valencia, about the time that intelligence was brought that the French under the earl Rivers were entered into the Mediterranean, in order to adjust the measures for the ensuing campaign;” that the measures therein debated were principally, “Whether the army should march towards Madrid, or seek the enemy.” In the debate, the earl of Peterborough positively asserts, that “the earl of Galway, Mr Stanhope, and the lord Tyrwenley, supported their measures with the Portuguese general, and that the king, Monsieur de Noyelles, the Spanish generals and ministers, with himself, argued strongly against these measures, as highly dangerous and impracticable; and this is repeated continually of war, and, at last, the earl of Peterborough, selected by the king of Spain to resolve the debate, desired the king that he would “summon all called to the council, to bring their opinions in writing, that every body's opinion, and reasons for that opinion, might appear, and be known to the world; which, according to the king's command, were put in

“writing, and delivered at the council.”—In reply to this assertion, I would beg leave to appeal to your lordships' memories, whether upon the last evening of those resolutions in the most Honourable House, the earl did not sit positively affirming, “That the conclusive council for the operations of the ensuing campaign was held on the 15th of January, and when then he did not offer to depose on oath, that in that very council, no person whatever was of opinion for making an offensive war, and against dividing the troops, but the lord Tyrwenley, Mr Stanhope, and I.” Some other, indeed, upon further reflection, he was pleased to add the marquis des Minas to our number; and, I observe, he has since given himself a much larger latitude, both as to the time of holding that council, and as to the persons who voted for an offensive war. His lordship is now so far from confining himself to a day, that he takes in the whole month, and, by accounting us more moderately, for having opposed only the king, count Noyelles, himself, and the Spanish generals and ministers, leaves half the council on our side, for supporting all the Spanish generals and ministers; as have asserted at that council, there could only have been twelve persons there, viz prince Lechinsien, count Oropesa, count Comas, count Cardenas, count Noyelles, my lord Peterborough, the marquis des Minas, count d'Armaza, my lord Tyrwenley, Mr Stanhope, M. Frobenius, and I. The last six his lordship has plainly left on our side; but my lord Tyrwenley positively affirms, count Oropesa was of the same opinion, and believes count Comas was so too. Thus, taking the matter as the earl of Peterborough is pleased to assert it, we had an equality; and, as my lord Tyrwenley remembers, the greater number of our party.

“Perhaps when my lord Peterborough contradicts so positively to prove that council of the 15th of January conclusive, he was led into that error, by the mistake in my lord Sunderland's letter, in an answer to one of Mr Stanhope's of January the 15th, but he has since been pleased to allow, that the council of the 15th was not conclusive, and that many more subsequent councils were held, which determined the operations of the ensuing campaign, whereas he voted himself for marching to Madrid, by the way of Arragon, which, I should have imagined, had left no further room to mention the operations of the 15th; but because he is still resolved to make good his charge against my lord Tyrwenley, Mr Stanhope, and me, he affirms to your lordships, That the opinion of that change in the subsequent council was, besides the opinion of the majority had been overruled by a minority of five persons, asserting that the queen had given him orders to declare in her name, that her positive orders were, that they should seek the enemy, march to Madrid, and not divide the troops, upon any account whatever.

“I must confess, I do not conceive that it imports me much to reply in that part of the

self's answer, nor shall I attempt to make a defence for an almost man. For! Mr Stanhope was here, I doubt not but he would be able sufficiently to justify his own conduct in the matter: yet I cannot help saying, that even such a proof has never yet suggested, that my lord Tyrconnel, Mr Stanhope, and I, did not act, in that occasion, with great integrity, according to the best of our understandings; and (with great submission to that most honourable House) shall I ever be ashamed to own an error, which was then, not only the common sense of the army, but applicable to the honour and interest of the whole Kingdom of England. In the earl of Peterborough's latter Question, he is pleased to say, 'That, notwithstanding' this, the earl of Galloway brought the army 'into the plains of Valencia, the direct contrary route to that of dragons, and into all' those dangers which he was to avoid, by 'marching by the head of the lake.' In reply to this Answer, I shall only observe, that I had not the command of that army (which consisted of three separate bodies, English, Portuguese and Dutch) but the marquis des Minas, from whom I always received orders; and the battle of Almona, was fought by the unanimous approbation of a council of war, nor could the resolution of that council have ever been rescinded, had there been the least difference of opinion, because such a commander of a separate corps might have refused to march.—For the execution of our march towards Almona, I must beg leave to refer to my Narrative, where I have mentioned more at large, than is order to discuss the resolution of those councils of war, where it was agreed, we should march to Madrid by the way of Arragon, but first to destroy the enemy's magazines on the frontiers of Valencia. I went with the marquis des Minas, in the beginning of April, to Vedia, where the enemy's chief magazines lay, and from thence to Valencia, where we had advice of three troops being assembled at Almona, upon which that council was held, where the battle was unanimously resolved on. The earl of Peterborough is pleased to add a reason for his opinion,—'That the duke of Savoy and prince Eugene' had declared their intentions for a defensive war at that time in Spain, and had consequently cooled their thoughts to Charles II, upon that subject, so the certain knowledge of the earl of Peterborough, as he can make appear by 'authentic papers from the king of Spain'—I shall not take upon me to deny a motive of fear, which his lordship so positively asserts, but I have been crushly informed that the duke of Marlborough and my lord Godolphin, did both of them assure the most honourable House, that the true project against Toulon was not suggested by the earl of Peterborough, prince Eugene, and the duke of savoy, but first set on foot by the duke of Marlborough with count d'Alby in Rhodora, and finished in England, with the counts Maffey and Bunsen; but did not suggest, that any troops

should be sent from Spain, nor run over communicated to the earl of Peterborough. 'Which, indeed, his lordship seems to be a witness, when he says, not long after, that the project against Toulon, as acted by him, had been so altered, that the duke of Savoy publicly declared his dislike of engaging in it. And yet it is manifest, that his royal highness did engage in an attempt against Toulon, pursuant to the project suggested to England, and though that attempt did not produce exactly success, it had a very good effect, for thereby a great body of the enemy's troops were diverted from saving Rhodora, and a considerable damage was done to the fleet and magazines of France. —What his lordship says, concerning a project that was formed for the taking of Oran before the opening of the campaign, is very true; but that project being afterwards found impracticable, for want of provisions, and the campaign drawing near, the earl Rivers's troops, which had been quartered, after their landing at Almona, in the most convenient and commodious places for these operations, was ordered to remove to the tpe de Lucina, two short days march from the place where they lay before, that the enemy might in 1 get between them and the rest of our quarters, to surprise us.

In the earl's Answer to the fifth Question he says, 'The king of Spain, when the troops' were marching to Valencia towards Valencia, 'assembled a council of war to no other purpose, but to send by the hands of his secretary' of State a Protest, with his reasons, why he 'would not march with the army, but to go' 'so protect his subjects in Catalonia, the cause of which Protest the earl very well remembers, having had a copy of it by the king's' 'order.' His lordship's answer, as positive as he is, must have failed him extremely in the matter, for the army never did march into Valencia, nor any part of it, except a detachment of the troops under his lordship's command which obtained from thence with very ill success, and whatever he may wish to have been the result of the king of Spain's leaving the army and going to Catalonia, it is certain, his journey thither was fixed long before the army assembled, nor possible reason that I ever yet heard of, but because I had a usual order sent some directions there, and his journey always promised to be back again by the time our army should be ready to take the field. And it is universally known, that the reason for that journey was, though so ridiculous, that not only all the Europe generals and ministers, but even the pope and his legates at Valencia, by their deputies, protested against it.

As to what the earl of Peterborough is pleased to say, concerning the 'circumstances which he was to produce in proof of the king of Spain's having been once ruled on many occasions, in what his project of his, published services—I can only reply, that I do not think fit to have seen any of those proofs, except a letter of the king of Spain to his lordship, when a letter

majority observe, that the English, Portuguese and Dutch proposals had refused him access to and to Mayence in quality of war held out the 17th and 18th of January; from whence I say, I say reasonably infer, that great probability of those generals having been of opinion, that two days before, against dividing the troops, &c. And I must say, my answer to the King of Spain, & that I had the honour to serve under him, was such that he never had occasion to complain against me, by his conduct to the queen, so he did not occasionally, by the count de Gallas, against the earl of Pembroke's

Galway."

Question put to Lord Galway, Why he gave the right to the Portuguese in Spain? It was generally believed that the Lords would have been contented, with having passed a slight occasional censure on the earl of Galway, which would be the more probable, because the more considerable parts of both parties, had spoken very honourably of him in the former named debate. But on Friday the 17th of January, he was summoned to attend their lordships the Monday following. My lord Galway being then impeached with a declaration and the poet, and therefore unable to obey that order; the Lords sent him a Question to wit, viz. Why, while he commanded the British forces in Spain, he gave the right to the Portuguese? To this the earl of Galway sent an answer, reporting, "That by the Treaty with Portugal, the troops of that crown were to have the right in their own country, and that in order to engage them to march in Portugal he was obliged to allow them the same favour, for otherwise, they would never have issued out of Portugal."

The Conduct therein noted dishonourable to the British Nation. Though this reason seems not very plausible; and it is certain, that if the Portuguese had not marched into Castile, upon my lord Galway's refusing to give them the right in Spain, his lordship would certainly have been generally reflected on, for losing the war benefit that was reasonably expected from the assistance of the Portuguese, with King Charles's forces, on a promise of military service; yet, (perhaps, lest such a consideration should be drawn into a precedent) the Lords thought fit to resolve, by a majority of 64 voices against 23, "That the earl of Galway, in yielding the post of his master's troops to the Portuguese in Spain, acted contrary to the honour of the imperial crown of Great Britain."

The Lords answer to the Number of fighting Men in Spain, at the time of the Battle of Almona. Jan. 21 The Lords resumed the consideration of this State of the Nation, as respects to the affairs of Spain, and debated, Why there were but about 15,000 effective men at the Battle of Almona, when the parliament had provided for about 20,000. Answer which, their lordships appointed a Committee to enquire into that matter. It is observable, that in this debate, no mention of fault was made

with my lord Galway; and thus the whole blame was laid on the two ministers.

Protest on the Vote concerning the Representation of the Spanish Establishment. Feb. 2. Upon report it from the Commons, that the House appointed to take into further consideration the present state of the War in Spain, that they had come to the Resolution, viz. "That this vote be registered upon the Spanish establishment, twice dissolved, and provided for by parliament, & not not supplied as they ought to have been." And the same being read, the question was put, Whether to agree with the Commons in this resolution? It was resolved in the affirmative. Yeas 161, Nays 104.

"*Dissentient*."

"Because the Estimates in which the two regiments of Hall and Holman were twice dissolved, were agreed to by parliament for the service of Portugal, as well as of Spain: and that mistake could not, in our opinion, have been more effectually or sooner supplied than from Ireland, and in the manner they were; for it appears, that the said Estimates were not agreed till the 11th of January, 1706-7,—that the necessary order for transporting four other regiments from Ireland to Portugal were issued on the 16th of February next following, and that the money provided for the said two regiments, twice dissolved, was applied to the payment of the said four regiments from the time of their embarkation (viz. viz. Lord, Godolphin, T. Wharton, Sunderland, Rich. Peterborough, Herbert, Scarborough, Rochester, J. Bridgewater, Kent, Jon. Wynn, J. Napier, W. Lincoln, Rockingham, Lincoln, J. Lech, and Col. Mansfield, Pelham, Bolton, Westmoreland, Somers, Mordaunt, G. Sarsen, W. Carleton, C. Woodhouse, Harcourt, Harvey, C. Norwiche, Oglethorpe, Cornwallis, Bedford, Cavendish, Cowper."

Protest on the Vote concerning the Discharge of Men on the said Establishment. [Then another Resolution of the said Committee being read, viz. "That by not supplying the deficiency of the Men given by parliament for the war in Spain, the ministers have greatly neglected that service, which was of the greatest importance." The question was put, Whether to agree with the Committee in the said Resolution? It was resolved in the affirmative.

"*Dissentient*."

"Because the Resolution on the former particular is not, in our opinion, a sufficient ground for the general vote; and the Committee of the whole House having declined to give a opinion on the other particulars, we think it unreasonable to proceed to a censure on the ministers for not supplying the deficiency, without first resolving on the several particulars, how far that deficiency might be justly imputed to them.—And we are of opinion, that all the money given by parliament, for the service of Spain and Portugal, has been timely and properly used for that service."

The rest of this Presentation was engaged by Order of the 9th instant, and is not legible (Signed) *Unwillingly, James Whiston, Will. Lisle, Jn. Ludlow, Ashburnham, Berkeley, Bolton, Leveson, Baskington, T. Whiston, H. Lloyd, J. Dodington, Jn. Benson, Devonshire, H. C. Pitt-Rivers, W. Aspley, Galsworthy, Mansfield, Fitzmaurice, Darnley, Northborough, J. Lisle and Coe, Pelham, Westminster, Lord de St. John, Boscawen, W. Leveson, Somerset, Chesham, Oxford, Compton, Carleton, Halden, Harcourt, C. Norwiche, Northampton, J. Pitt.*

Representation of the Lords to the Queen concerning the Supply of the House of Commons [Feb. 12.] In consequence of what before passed on the 11th, relating to the Affairs of Spain, the following Representation of the Lords was then day presented to her majesty.

"I. We, your majesty's most devoted and loyal subjects, the Lords spiritual and temporal in parliament assembled, do, with all humility and thankfulness, acknowledge your great goodness and consideration, in ordering to be laid before us many letters and papers relating to the war in Spain, by which, and by the communication of divers persons, and by the assistance of the earl of Pembroke, who, by your majesty's permission, is forward to, with great candour, of many particulars, and gives us a very candid, just and honorable account of the conduct of war held in Valencia, we have been enabled to discern some of those many mismanagements which have disappointed the hopes your majesty, and all Europe, justly conceived from the resolutions of your parliament; and had they been presented with as much care by those whom your majesty employed, as they were taken with real and good affection, the success, by the blessing of God, might have answered those expectations.

"2. When we consider how generously your majesty engaged in this war for asserting the liberties of Europe, and the rights of the House of Austria to the Spanish monarchy, which had been wrested from them by the ambition and usurpation of the French king, when a power of that disastrous kindy came to your majesty for refuge against oppression, and that your majesty had received her own protection, moved therewith not only by your own magnanimity, but by the voice of your people too, who were ready to ascribe their lives and treasure to the support of your majesty in the defence of so righteous a cause, and when we further consider what would have been the happy state of a successful war in Spain, the honour of your majesty, the safety, wealth, and prosperity of your own dominions, and the ensuing peace in Europe, we are astonished to find, that any employed by your majesty should contribute to the disappointment of so glorious a design, as much as might be possible.

"3. We were extremely surprised to find, by all the accounts we have received, that of the 12,546 men given by parliament for the service of the war in Spain, there should be present

in Spain, at the time of the battle of Alcamora, only 12,748.

"4. However the earl of Galloway, who commanded your majesty's troops at that time in Spain, may have seemed to be concerned in other respects, we cannot charge him with the deficiency of 1700 men, twice as much as our regiments or regiments of 1700 men in 1716 men of Lord Dumour's regiment, reduced by the earl of Peterborough, and was then serving in England: nor of 1633 men, allowed for services of the officers belonging to the regiments actually in Spain, and not reduced at the time of the battle: nor of 124 of the valiant men for all the regiments in Spain at that time: nor of 5711 men of the regiments of Farnborough, Hamilton, Mordaunt, Broderick, Allen and Toly Castle, that were reduced some years before the battle: nor of the 6000 non-commissioned officers and private men of Dumour's regiment that were reduced by the earl Rivers and incorporated into his by being 1.

"5. For whatever defects there have been, these are most of them partly to be ascribed to themselves and the mismanagement of your majesty's affairs here, where first it was to give the necessary orders, and to require due execution of them, for service which the nation had strength at heart, as the recovering Spain out of the hands of the French.

"6. And therefore, whatever the reasons may have been, for reducing the regiments of Mordaunt and Hill to one in the estimate presented to the House of Commons; yet, since the number of men demanded for that year's service was readily agreed to by them, we could not but be of opinion, that the two regiments upon the Spanish establishment were demanded, and provided for by parliament, were not supplied as they ought to have been.

"7. And, upon consideration of the other deficiencies, we have found reason to resolve, "That, by not supplying the deficiencies of the men given by parliament for the war in Spain, "The members have greatly neglected their duty, which was of the greatest importance."

"8. And yet negligence and the profusion of vast sums of money given by parliament are not the only faults we have to lay before your majesty. We beg leave to add, that notwithstanding what was done at Valencia, for an offensive war at that time in Spain, and approved of here, notwithstanding it was well known how few troops we had in Spain, even with the addition of those sent with the earl Rivers; and the fatal battle of Alcamora, that ensued, the steps that led to it, and the real consequences that attended it, under which we still labour.

"9. The earl of Galloway, lord Tyrconnel, and general Stanhope, (standing in a castle held at Valencia, some time in January 1707, in the presence of the king of Spain, and your majesty's name being read in commendation of their affairs, for an offensive war, contrary to the king of Spain's opinion, and that of all the general officers and public ministers there (except the marquis des Minas), and that opp-

due were, &c. in the Vintnall; and that a Member of that House was named therein "upon which the Commons resolved to present an Address to the Queen, to have these Examinations had before them, which being done accordingly, and the same referred to a Committee, Mr. Ridge, the member named therein, desired that he might stand that Committee, to make his necessary appear of which, the consequence will be seen in its proper place.

Two Lotteries.] The money did not enter into the treasury so readily as formerly, neither upon the act of 22. in the second, nor on the first laid on 1710. So to raise a quick supply, there were two bills passed, for raising three millions and a half by two Lotteries; the first of 1,000,000 £ and the second of 5,000,000 £ to be paid back in 30 years; and for a fund to support this, duties were laid on: hops, candles, leather, cards and dice, and on the postage of letters. In one branch of this, the House of Commons seemed to break in upon a rule, that that had hitherto passed for a sacred one. When the duty upon leather was first proposed it was rejected by a majority; and so, by their usual voting, it was not to be offered again during that session; but, after a little practice upon some members, the same duty was proposed, with this variation, that dice and taxed leather should be so charged; this was better in another name. The Lotteries were now filled up, so, by this means, money came into the treasury; and indeed the method however you failed of raising a speedy supply.* There was no more sold, though in the beginning of the session, the House had voted a million more than their bill amounted to; which made some conclude, there was a secret negociate and prospect of peace.

Disputy concerning the Palatine.] The Commons, finding the encouragement given to the Palatine was displeasing to the people, resolved to enquire into that matter. In order to this, a Petition was presented from the inhabitants of St. Omer, and other parishes, complaining of the great number of Palatines inhabiting in one house, whereby it was feared some contagious distemper might happen, and

them, yielded extremely the point of the flag in those wars, for which alone, on other occasions, we have engaged so many; so he had no reason to contest a lower point: yet a measure was likewise had in this. And this was the conclusion of the enquiry, made by the House of Lords this session: "Better

* *Ibid.*—The scheme of the Lottery was drawn by Mr. John Blount, secretary of London, who was employed by the lords of the treasury: which house approved was inserted in the Lottery-bill. When it was advertised, on the 10th of March, that the payments would begin to be taken was discovered on the 15th, it was found, that about 222,000 £ had been subscribed at the bank of England, where the first payment of the whole sum of one million was to fall.

having not where-with to sustain themselves, were likely to become chargeable to the parish. This Petition was immediately referred to the consideration of a committee, appointed by that purpose, with instructions to enquire upon what provisions or entertainments the Palatine came over, and what means were expended in bringing them into Great-Britain, and for maintaining them here, and by whom paid. As the design was now formed to load the late administration all that was possible, it was pretended, that, in the whole administration of the Palatine, there was a design against the church, not to increase the number and strength of the dissenters. The queen was addressed by the papers relating to the bringing over and tolerating the Palatine; and at last the House agreed to the following Resolutions of their committee, "That the sending and bringing over into this kingdom the poor Palatine, of all religions, at the public expence, was an extravagant and unreasonable charge to the kingdom, and a scandalous misapplication of the public money, tending to the increase and oppression of the poor of this kingdom, and of dangerous consequence to the constitution in church and state. 2. That whoever advised the bringing over the poor Palatine into this kingdom, was an enemy to the queen and kingdom." And because a letter, written by the earl of Sunderland to the queen's name, in the council of trade, was laid before them, by which they were ordered to consider of the best methods of disposing of the Palatine; it was moved to lay the load of that matter on him in some severe vote. But this was put off for that time, and afterwards, by several adjournments delayed, till at last it was let fall. *

A Bill to repeal the Naturalization Act repealed by the Lords.] While the heat, raised by the enquiry, was kept up, the Commons passed a bill to repeal the act for a general Naturalization of all Protestants, which had passed two years before, pretending that it gave the encouragement to the Palatine to come over, though most of them had made use of that act, in order to their Naturalization. This was sent up to the Lords, and the lord Chancery, and some others, entertained them with trivial objections on the subject; yet, upon the first reading of the bill, it was rejected, to the great joy of all the foreign Protestants. It is remarkable if the bill was designed to prevent the French refugees from enjoying the benefits of the Naturalization, it had in some measure a contrary effect: for whereas, upon the passing of the act for a general Naturalization, above 1500 of them took the advantage of it; above 5000 were naturalized after the motion for repealing it was made, till it was repealed by the Lords. A bill that was formerly often attempted, for shutting members of the House of Commons to hold places, had also the same fate †.

Bill for limiting the Number of Officers in the

* *Ibid.*

† *Ibid.*

House of Commons.] Jan. 10. The engrossed bill, for securing the Freedom of Parliament, by limiting the number of Officers in the House of Commons, being read a third time in that House, and the question put, whether it should pass, it occasioned a debate, wherein several members in the court-street, and elsewhere, by many arguments, to show the unnecessary of such a bill, especially at this juncture; but the majority prevailing, the question was carried in the affirmative, and the bill sent up to the Lords.

Resolutions concerning the Abuse in the Vice-minting.] Feb. 12. The Commons took into consideration the Report from the Committee appointed to enquire into the Abuse of the Vice-minting, and the said Report being read, it was unanimously resolved, "That it appears to this House, that, in the management of any master's three-hous, as well as in the Contracts for furnishing the Navy with Bees, there have been many notorious Inconveniences, and scandalous Abuses, in the defrauding the public of great sums of money, to the injury and disadvantage of the nation;" and ordered, "That the Commissioners of Vice-minting have a copy of the said Report."

Mr. Ridge expelled the House, and an Address moved for his being prosecuted.] After this, Mr. Ridge was heard in his place to the matter of the Report relating to him, and being withdrawn, it was resolved, 1. "That it appears to this House, that Thomas Ridge, esq. a member of this House, is guilty of great Frauds and Abuses, by having contracted to furnish 2,143 tons of beer upon his own account, and 2,704 of beer in partnership with Mr. Dixon, and having received bills for the whole, although he delivered but 2,812 tons the first, and 1,188 upon the latter contract. 2. That Thomas Ridge, esq. be for the said frauds and abuses expelled this House. 3. That an humble Address be presented to her majesty, that she will be pleased to give directions to her attorney-general to prosecute the said Mr. Ridge, for the said frauds and abuses?"

"However, this gentleman was not prosecuted, but continued to serve the navy as before; for, upon examination, it appeared that in fact the public suffered no wrong. The reason was that the service of the fleet had at that time for the most part in the Mediterranean, where the difference of climate rendered the best sea-beer better suited, and the sailors, being not able to drink it there, required wine and water, which is ordinarily used on board the fleet in these parts. But as the victualling office was, in their accounts, charged with only, it was allowed to the sailors by the office to take money of the brewer, "benevolently to buy wine in the Streets." Thus, though the beer was not delivered, and the sailors drank wine, yet the nation paid for no more than the allowance of beer. Many other brewers were complained of on the same account, but it was plain that was only a share of

Further Resolutions concerning the Fraud and Abuse in the Vice-minting.] Feb. 12. The Commissioners of the Vice-minting attending the House of Commons, according to order, they were called on, and presented to the House their Representations upon the Report made by the Committee appointed to examine the Abuse complained of in the Vice-minting: which Representation was ordered to lie upon the table until the Report of the said Committee be taken into consideration, which was appointed to be on the Thursday following. Accordingly, on the 17th, the House resumed the further consideration of the Report from the Committee, appointed to enquire into the Abuse of the Vice-minting, and came to the following Resolutions: 1. "That it appears to this House, that Mr. Dixon, a brewer at Portsmouth, is guilty of great frauds and abuses, in having contracted to furnish 2,704 tons of beer for the last year's service, in partnership with Mr. Ridge, and receiving bills for the whole, when he had delivered but 1,268 tons. 2. That Mr. Playce, another brewer at Portsmouth, is guilty of great frauds and abuses, in having contracted to furnish 2,812 tons of beer for the last year's service, and receiving bills for the whole, when he had delivered but 2,143 tons. 3. That Mr. Rolfe, a brewer at Harwich, is guilty of great frauds and abuses, in having contracted to furnish 2,702 tons of beer for the last year's service, and receiving bills for the whole, when he had delivered but 1,182 tons. 4. That Mr. Best, a brewer at Chatham, is guilty of frauds and abuses, in having contracted to furnish 255 tons of beer for the last year's service, and receiving bills for the whole, when he had delivered but 223 tons. 5. That Mr. Tyburn, a brewer at Rochester, is guilty of great frauds and abuses, in having contracted to furnish 223 tons of beer for the last year's service, and receiving bills for the whole, when he had delivered but 158 tons. 6. That Mr. Kelley, a brewer of Deal, is guilty of great frauds and abuses, in having contracted to furnish 1,264 tons of beer for the last year's service, and receiving bills for the whole, when he had delivered but 225 tons. 7. That an humble Address be presented to her majesty, that she will be pleased to give directions to her attorney-general to prosecute the said Mr. Dixon, Mr. Playce, Mr. Rolfe, Mr. Best, Mr. Tyburn, and Mr. Kelley, for the said frauds and abuses. The captain Whitshall, master-victualler at Deal, is guilty of a great mismanagement, in disposing with Mr. Kelley's account to the sailors for delivery of beer, and is being party to the frauds and abuses committed by the said Mr. Kelley. 8. That Mr. Withers, master-victualler for at Portsmouth, is guilty of a great mismanagement, in

said, and a serious discovery of fraudulent practices when in reality there was no such thing, or at least the abuse was such, that it was suffered to go on as innocently as ever." Truel.

confining the delivery of much greater quantities of beer than were delivered. 10. That Stephen Mosley, servant at Hartsbourn house, a guilty of a great crime, in being privy to the vending great quantities of beer and ale. 11. That Mr Horwington, under clerk at the Hartsbourn house, a guilty of a great misdemeanour, in giving Mr. Boleyn a certificate to deliver the quota of 25 tuns of beer. 12. That Mark Overton, under brewer, Bernard Unclford, deceased, was clerk of the brewhouse, and Thomas Jenson, clerk of the church at the Hartsbourn house, have been guilty of very great misdemeanours, in giving certificates for great quantities of malt and hops, which were neither ascribable to the sample, nor to the use."

Then the Representation of the Commissioners of Victualling, which they had delivered in upon the said Report, being read, it was likewise Read, 13. "That the Commissioners for the Victualling of her Majesty's Navy, have been guilty of great negligence and remissness in their duty, and that the loss the public has sustained by the many boats and stores that have been committed in the victualling of her Majesty's navy, has been chiefly augmented by a notorious mismanagement in that office. 14. That the said boats and stores have been on great occasions of the heavy debt that lies upon the navy. 15. That the persons who have been instrumental in discovering the said frauds and abuses, have redressed her Majesty's sword and encouragement."

After which it was ordered, That the report from the committee appointed to inquire into the Frauds and Abuses committed in the Victualling her Majesty's Navy, with the Resolutions and Order of the House thereupon, be passed.

Bill for qualifying Members of the House of Commons passed both Houses Feb. 18. An engrossed Bill for securing the Freedom of Parliament, by the further qualifying the members so sit in the House of Commons; was read the third time, and several amendments were made, by the House, to the Bill; after which the same was passed, and sent up to the Lords, who, on the 22d, gave their concurrence to it. *

The design of this bill was to exclude quakers, unitarians, and, needlessly, Unitarians in the House of Commons, in hopes, then, this being settled, the said interest would be the prevailing consideration in all their deliberations. They did not extend their qualifications to Protestants, it being provided, that, estates there being generally small, it would not be easy to find more as qualified as quakers to serve. This was thought to strike at an essential part of our constitution, touching the freedom of elections: and it had been, as often as it was attempted, opposed by the majority, though it had a few approbators of religious liberty, when all was lodged with such an alliance; yet our gravity was become so ap-

Message from the Corporation relative to the removal of Churches in London. [Mr. Speaker, at the House of Commons.] The Speaker of the House of Commons presented the House, That there had been a petition, the day before, in the evening, the 16th instant, of the Lower House of Commons, with Dr. Sturges, dean of Canterbury; standing, petitioner for London; Dr. Sturges, proctor for the diocese of London; and Mr. Delane, proctor for the diocese of Oxford, and brought him an Order and Message, which were read, and are as followeth.

"Feb. 18, 1718. It was ordered by the Lower House of Commons, that the Petitioner, attended by Dr. Sturges, dean of Canterbury; Dr. Sturges, archdeacon of London; Dr. Sturges, proctor for the diocese of London; and Dr. Delane, proctor for the diocese of Oxford, should wait upon Mr. Speaker of the honorable House of Commons, and report him the following Message, agreed to by the said House, viz. "We, the Lower House of Commons,"

"Mr. Speaker;

"The Lower House of Commons being, with great satisfaction, taken notice of an advertisement given by the honorable House of Commons to a Committee, [supposed to examine a Petition of the ministers and churchwardens of Churches, praying relief for the rebuilding of that church] to consider what churches are wanting within the cities of London and Westminster, and to report thereon, and report the same to the House—I was in our thoughts to have done what is so by towards setting forward so good a design, but we are glad to find ourselves happily prevented by the zeal of that honorable House, which, at the time that they placed you in the chair, gave us no notice of their orders, in doing every thing that might be for the honour and advantage of the church of England—We do, in the name of the whole House of this province, return our warmest thanks to the honorable the Commons, for this instance of the affectionate regard they have shown to the welfare of the established church, and the common interest of religion.—Mr. Speaker, I am directed by the Clergy of the Lower House of Commons, to signify their readiness to express the word now in use, by imparting such light as they are able to afford, in relation to the removal of Churches, as well about these paper town cases, under which great pains labour."

"Francis Compton, Prolocutor."

namus, and as a sign, that many apprehended the ill effects of this, and that the removal of trade, which indeed supports that of the land, would neither be undisturbed nor unpunished. But the new measures resolved to be popular with those who promoted it; as it passed, and was much magnified, as a main part of our security for the future." Tardul.

[*Continuum of the Commons Address to* Guiscard's Attempt upon Mr. Harley, at the Council Table, 1711.] "That the petitioners desire all such Informations, as shall be sent to them from the Clergy of the said Diocese of London, with relation to the said petitioners on the crime of London and their crimes, and whether thereof it shall be thought fit, in all matters immediately relating to the same, and the welfare of the said Diocese, to have a particular regard to such applications, as shall at any time, be made to them from the Clergy in the same assembled, according to the ancient usage, together with the parliament."

[*The Commons ordered to a further Remonstrance of King William's Grants.*] The next day, the House, being somewhat perplexed how to find ways and means to raise the great Supply granted to the queen, and, at the same time, to make provision for the deficient Funds, and annual debts, brought themselves to a further Remonstrance of King William's Grants, and ordered a Bill to be brought in, 'To appoint Commissioners to examine the value of all lands and other estates granted by the crown, since the 13th of February, 1688 &c. and upon what considerations such Grants were made in order to restore the same, and to apply them to the use of the publick;' and Mr. Smeagmore, Mr. Shapton, and Mr. Lockhart were appointed to prepare and bring in that Bill.

[*Address of both Houses concerning Guiscard's Attempt upon Mr. Harley, at the Council Table, 1711.*] March 4. The Commons resolved to present an Address to the Queen, concerning the Attempt committed on the person of Mr. Har-

ley: which being immediately dressed up and sent to the Lords, for their concurrence, their lordships readily agreed thereto. However, with it went in the former Remonstrance, upon his first recommendation, the queen ordered him a pension of 2000*l.* a year, but Mr. Harley, who never liked Guiscard, not only refused his pension in 1691, but declined to have it put upon a final establishment. The queen endeavoured several times to apply to the queen for redress; but being denied access, and being disgusted with the usage observed from those very persons, whom he had relied upon as his warmest friends, he used to make his peace with the court of France, and, in order to do so, wrote to M. Marais, a banker in Paris. The king being directed to a prison in Portugal, under the cover of the earl of Portsmouth, his lordship, suspecting something, spread out all the packets, and, finding in it a dangerous correspondence, sent it back to his lady, the countess of Dorchester, who delivered it to Mr. Harley; and by her means another packet, which Guiscard would have transmitted to Portugal, was intercepted. It was perceived by some, that those letters contained only loose reflections on the weakness and mean capacity of the present ministry; but, whoever was the purport of them, the marquis was, on the 23d of March, apprehended in St. James's park for high-treason, by virtue of a warrant from Mr. Secretary St. John. He was so surprised and ordered, that he desired the messenger, who detained him, to kill him; and, being brought to the Cockpit in the height of despair, he took the resolution to make his run final to those who detained it, and, being in the room where he was confined, a post-hole, which lay among peas in a window, he took it up uncovered by the messenger, who watched him. A committee of council being summoned on the extraordinary occasion, and the lord-keeper Harcourt, the earl of Rochester, the duke of Buckingham, Newcastle, and Ormonde, and Fawcet, Mr. Harley, and the three secretaries of state, the duke of Queensberry, the lord Dartmouth, and Mr. St. John, being met, the marquis was brought before them to be examined. Mr. St. John asked him several questions about his correspondence with France, to which he returned evasive answers, with an assumed confidence. But when Mr. St. John asked him, Whether he knew M^r. Marais, banker in Paris? professing, at the same time, the interrupted letters; the marquis appeared very much surprised. Finding himself discovered, and despairing of a pardon, he resolved to put his black design in execution. It was the general opinion, that his design was to make his first attempt upon Mr. St. John; which appears the more probable, because, as soon as he thought himself in a manner convinced of the crime for which he was apprehended, he desired to speak with him in private; but Mr. Secretary told him, that was

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the Queen being still indisposed, it was the 13th before both Houses waited upon her Majesty with the following Address.

"*Most Gracious Sovereign:*

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons in Great Britain in parliament assembled, have, to our great sorrow, but increased at a dark and sad villainous Attempt, made upon the person of Robert Harley, Esq. chamberlain of your Majesty's Exchequer, by the marquis de Guescard, a French Priest, at the time when he was under examination for treasonable practices, taken a committee of your Majesty's council.

"We cannot but be most deeply affected, to find such an instance of intestine violence against our own loyal subjects your Majesty's council, and so near your royal person; and we have reason to believe, that his Majesty to your Majesty, and seal for your service, have drawn upon him the hatred of all the abettors of popery and faction.

"We trust it may duly, upon this occasion, so assure your Majesty, that we will effectually stand by and defend your Majesty, and

impossible and unusual: that he was before the committee of the council, as a criminal, and if he had any thing to offer, it must be said to them all. The marquis pointing to his hands to speak only to Mr. St. John, they went to ring the bell, so call in the messenger to carry him away; which he observing, said, 'Villainous day, you are not.' That's hard, 'not one word.' Deeply disappointed in his design against Mr. St. John, who was not often caught, he stepped towards the table, as if he intended to say something to Mr. Harley; and, stooping down, said, 'Pou vous donc à ça.' 'Tenez vous en là,' and stuffed him about the middle of the breast; but the powder, lighting on the bare, broke about half an inch from the handle; which Guescard not perceiving, withdrew the blow, and with a great force struck Mr. Harley not far from the first wound. When Mr. St. John saw Mr. Harley hit, he cried out, 'The villain has killed Mr. Harley.' and, drawing his sword immediately, as did also the duke of Newcastle, and some others, they gave Guescard several wounds. But when they saw Mr. Harley get up, and heard earl Pembroke cry out, not to kill Guescard, they gave over striking power at him. Some of the privy-councilers attended Guescard with chairs against the rage of the commons, who seemed to threaten them all. Others ran out of the room to call for help; and the messengers and door-keepers having rushed in, and striving to lay hold on Guescard, he struggled for a while, and overcame some of his assailants: but, at last, Wilson, one of the queen's messengers, a very strong man, grappled with him, and gave him several blows, particularly one in the back, which was afterwards judged to have accelerated his death.

"Mr. Harley's wound was presently search-

ed, and appeared to be a very slight one, yet he was long in the surgeons' hands. Some imagined this to be a pill-hole of body, which thought it was no matter, so make it more sure dangerous than indeed it was. Guescard's wounds were deeper, and not easily to be cured; for at first he was swollen and seemed as if he would die; yet after a day he recovered himself to the surgeons, but did not complain of a wound in his back till it was gangrened; and of that he died. It was not known what particulars were in his letters, nor was it known a day he communicated. This accident was of great use to Mr. Harley: for the party blamed against him were reduced to push a case, who was then associated by one, that was studying to recommend himself to the court of France, and who was believed to have formed a design against the queen's person; whose husband was at that time much shaken, she having had three fits of an ague, and the last a severe one; but the progress of the disease was stopped by the bath.

"The day after Mr. Harley received his wound, both Houses of parliament agreed upon an Address to the queen, &c. And, when Mr. Harley came first to the House of Commons after his recovery, he was by their order congratulated upon it by Mr. Bromley, their Speaker, in a not flattering speech, wherein he prayed, 'That the same providence, that had wonderfully preserved him from some insupportable attempts, and had raised him up to be an instrument of great good as a very rational person, when it was much wanted, might continue still to protect so valuable a life, for the protecting of what was so highly begun; that they might owe to his care, not only, and to his conduct, the monarchy and firm establishment of our constitution of church and state.' Tisdal.

The Queen's Answer. Her Majesty's Answer to the Address was,

"My Lords and Gentlemen, I take this Address to me kindly from you, on the occasion of that barbarous attempt upon Mr. Harley, whose trial and fidelity in my service need appear yet more remarkable, by that hard discovery to take away his life, for no other reason than that appears, but his known opposition to popery and faction.

"Your warm concern for the safety of my

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person and the defence of those employed in my service, is very grateful to me, and I shall always continue my care for the welfare and happiness of my people, by using all means that may most effectually conduce to those ends, and particularly, by giving the proper directions for removing Papists from the cities of London and Westminster, according to your desire."

"I think it would be reasonable to make a law to punish with death such wilful and dangerous attempts on the lives of magistrates, as the lawful execution of their office, through by God's providence, the malice designed do not take effect."

The said Answer by afterwards repeated to the House, it was thereupon unanimously resolved, "That an humble Address be made to her majesty to return the humble thanks of this House for her majesty's most gracious Answer to the Address of both Houses at parliament, and to assure her majesty, That this House will provide a bill to put into a law, to punish with death such wilful attempts, and Ordered, "That leave be given to bring in a bill to make an attempt on the life of a peer or councillor to be felony without benefit of the clergy, and that Mr. Attorney General, Mr. Cresset, Mr. Gilbert Dalrymple, Mr. Mordaunt and Mr. Hungerford do prepare and bring in the same."

[Report concerning the Bill for stating the Public Accounts.] March 15 Sir Simon Stearn reported from the committee of the whole House, in which the bill "For taking account among and stating the Public Accounts of this kingdom" was committed, that they had left the clause in the bill for the Commissioners Names, and for the title of the Bill, to be filled up by the House, and had made several Amendments, which he read, and afterwards delivered as at the table; where they were read and acted in by the House. Then it was ordered, "That the bill with the amendments be engrossed; and resolved, 1. That the number of Commissioners be seven, 2. That no person be a Commissioner who hath any office of profit, or is accountable to her majesty. 3. That the Commissioners may be members of this House, And 4. That the Commissioners be chosen by way of balloting." After which it was ordered, "That the members of the House should prepare bills to be put into a glass of 7 persons chosen to be Commissioners for taking, examining and stating the public accounts of this kingdom." Which being done accordingly, a Committee was appointed to examine the Bills. And Mr. Sachell reported, that the majority fell upon the following persons, viz.

The hon. Henry Berke, esq.	246
George Lockhart, esq.	226
Salway Winstington, esq.	222
Francis Ansell, esq.	217
Clobery Bramley, esq.	188
Thomas Lucas, esq.	155
William Skipper, esq.	131

Complaint against Sir James Montagu.
On Monday, the 18th of February, 1711,

Coleridge, knight of the shire for the county of Sussex, made a Complaint to the House, of a Letter, which, he was informed, had been written by Sir James Montagu, member for the city of Carlisle, in order to procure his election there; and which, he received, reflected on her majesty's honour. Having asked, Whether he had seen the original of that letter? He said he had not, but only a copy of it, for the truth of which he was ready to produce his vouchers. Sir James Montagu denying this fact, and offering to prove the contrary, the enquiry was that matter was put off to the next day, when the House being informed, That Colonel Clibb was at the door, and had something to offer to the House, he was called in, and, at the bar, charged Sir James Montagu with writing the letter before-mentioned, reflecting upon the honour of her majesty. This occasioned a long and warm debate, and Sir James Montagu still denying the writing of such a letter; and shewing that the bishop of Carlisle, to whom he had, indeed, written a letter about his election, and who voted in the lobby, might be examined about it, Colonel Clibb, on the other hand, desired time to produce his witnesses, who, he said, were in the country, to prove his charge. Whereupon, by a majority of 124 voices against 141, it was denied, That that matter be taken into consideration on that day 3 weeks."

"During that interval," says the editor of the Political History, "I made it my business to find out the ground of this Accusation, which, if any information be right, was only this:—That the late election for Carlisle, where Sir James Montagu used to be chosen and now would candidate, came on, the month of his competitors, (as was usual in such cases, to take all advantages) gave out, that Sir James being removed from his place of Attorney-General, the choosing of him again might be interpreted a recompense to the court. Sir James being informed of this suggestion, wrote to his friend, the bishop of Carlisle, "I had thought the question had thought it to put another in his place, yet 'he was so far from his supposing her majesty's displeasure, that, on the contrary, he was glad 'by had graciously been pleased, to consider 'him of his former services, to bestow on him 'a pension of 1,000*l.* per ann." The letter being communicated to some of the victors, Sir James Montagu's opponents took from thence occasion to object, That since he had a place of profit, meaning the pension, he could not be chosen members of which Sir James having sworn, he wrote a second letter to the bishop of Carlisle, to remove that groundless objection; asserting, "That he had no place of profit, but only a pension for life, which questioned him to be chosen." Sir James Montagu's friends having thought it necessary to have the letter dispersed, Colonel Clibb took a copy of it, and shewing his name, afterwards, to some of his acquaintance, he was told, he had copied the most respectable part of the

On the 25th of March, the Commons being informed, That the queen had ordered the officers of her army in Spain, to repair to their commands there, resolved to address her majesty, That she would be pleased to give leave to colonel Chesell to stay some days longer; which her majesty readily granted.

The Bishop of Carlisle answered for suppling *Dr James Montague's* letters [On the 25th, the House resumed the consideration of the Complaint; and the colonel was called in, and some witnesses were examined, as well as his part, as of Mr James's, who being withdrawn, and the House being informed, That the lord bishop of Carlisle (who had been mentioned in the evidence given at the bar, in relation to a Letter written to him by Mr James Montague, and several copies of part thereof transmitted by his lordship, and sent to several persons) desired to be admitted to be heard; he was admitted so, and heard accordingly. And his lordship being withdrawn, Mr James Montague was heard likewise. This occasioned a warm debate, that lasted till late at night; after which the Commons resolved, " That it appears to the House, That William lord bishop of Carlisle had supplied several copies of a Letter, pretended to have been received from Mr James Montague (a member of this House) in order to procure Mr James Montague to be elected a member of the city of Carlisle, reflecting on the honour of her majesty; and, by contriving himself to the said election, had highly abused the Freedom and privileges of the Commons of Great Britain." Then the question being put, That colonel Chesell has made good his charge against Mr James Montague; it passed in the Negative. But, nevertheless, it was Resolved, That colonel Chesell had sufficient grounds for bringing the said charge before this House.

Col. Fitz-Patrick taken into custody, for challenging Major-General Perce, a Member of the House [March 25. A complaint being made to the Commons, that lord-colonel Fitz-Patrick had challenged major-general Perce, (a member of the House, for which he had spoke in the debates of this House) in breach of the privilege of this House. It was ordered, That the said lord-colonel Fitz-Patrick (for having challenged major-general Perce, a member of the House, for which he had spoke in the debates of this House) was guilty of a breach of the privilege of this House; and ordered, That lord-col Fitz-Patrick be taken into the custody of the Sergeant at Arms.

The Speaker's Son dies; intervenes the Com-

mons adjourns [March 25. The House having informed, that Clobery Bromley, esq. was to die the Speaker, died that morning; out of respect to the father, and to give him time, both to perform the funeral rites, and to undergo his just affliction, they thought fit to adjourn on Monday the 26th.

The Queen's Message to the Commons for the building of New Churches [March 25. His Secretary St. John acquainted the Commons, That he had a Message from her majesty; and he presented the same to this House, which was as follows.

" *ANNO R.*

" Her majesty having received an Address from the archbishop, bishops, and clergy of the province of Canterbury, in Convention assembled, to recommend to the Parliament the great and necessary work of building more Churches within the bills of mortality, is graciously pleased to approve so good and pious a design; and does, accordingly, very heartily recommend the carrying on the same, to this House, particularly in and about the cities of London and Westminster; and does not doubt but effectual care will be taken in this matter, which may be so much to the advantage of the Protestant religion, and the better establishment of the Church of England."

Resolution of the Commons thereupon [Whereupon the Commons resolved, " That do humble Thanks of this House be returned to her majesty, for her majesty's most gracious Message, recommending so good and pious a design, in the building of Churches round about the cities of London and Westminster; and to assure her majesty, that this House will enable her majesty to make as effectual provision for the carrying on so good and necessary a work." And appointed a Committee to draw up an Address upon the said Resolution, and upon the debate of the House.

Vote of the Commons for building 50 New Churches in London and Westminster [April 4.

Mr. Annesley reported from the Committee, in whom the Parsons of the parishes, churchwardens, and several other inhabitants of Great-wich, in the county of Kent, and several other Parishes, were referred; and who were also to examine what vestments remain in the hands of the Commissioners for rebuilding the Cathedral Church of St. Pauls, and consider what the product of the do as so being appropriated to that purpose, may amount to for the town of Great-wich, and make an Estimate of what will be necessary for finishing and adorning the said Church; and after the purposes in the act mentioned, for building the Cathedral Church of St. Pauls; and also to consider what Churches are wanting within the cities of London and Westminster, and suburbs thereof, and report the same to the House; That the Committee had considered the several matters so then referred, and had directed him to report how the same might be better effected, and had drawn up a Resolution, which they had already passed and reported to the House, and he read

letter, viz. " That the queen had given Mr James Montague a pension, to enable him to carry on his studies." Whereupon he returned his thanks according to his wrong information, and showed them to some parliament men, who, out of respect to the queen, thought it their duty to let that matter before the House of Commons, in order to wipe off the supposed scandal upon her majesty's bounty."

presented Report and Resolutions, and afterwards delivered the same on at the table, where the same were read, and the Resolutions agreed to, viz. "That, in the several parishes and about the suburbs of the cities of London and Westminster, 80 New Churches are necessary to be erected for the reception of all such as are of the Communion of the Church of England, computing 4500 souls to each Church;" and that the said Report was referred to the consideration of the Committee of the whole House, who were to consider further of the Supply.

The Commons' Address Shewn.] April 3. The Speaker, with the House, waited on her Majesty, at St. James's, with the following Address:

"Most gracious Sovereign! We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, have, with the utmost satisfaction, received your majesty's gracious Message, recommending to us the great and necessary work of building new Churches, as well about the cities of London and Westminster.—We are sensible how much the want of them hath contributed to the increase of heathen and Irreligion, and shall not fail therefore to do our parts towards the supplying that defect, being sincerely disposed to promote every thing that is for the interest of the established Church, and the honour of your majesty's reign.—Neither the long expence nor in which we are engaged, nor the pressure of heavy debts, under which we labour, shall hinder us from granting to your majesty whatever is necessary to accomplish so excellent a design, which, we hope, may be a means of drawing down blessings from heaven on all your majesty's other undertakings, as it adds to the number of those places, where the prayers of your devout and useful subjects will be daily offered up to God, for the prosperity of your majesty's government at home, and the success of your arms abroad."

The Queen's Answer.] To which her majesty returned this Answer:

"Gentlemen, your Address is extremely acceptable to me, as it is a proof of your zeal for the interest of the established Church, and for the advancement of religion. I will take care that what you grant, shall in the most speedy and effectual manner, be applied to the good purposes for which it is intended."

Bill to prevent Bribery in Elections dropped.] April 16. The Commons read the third time a proposed Bill 'For the better preventing 'Bribery and Corruption, and other undue 'purchases in Elections of Members to serve in 'parliament.' And the Speaker having opened the Bill, several amendments were made in it; but a great debate arising thereupon, the same was adjourned to the next day; when the question being put, that the Bill do pass, it was carried in the Negative.

Committees for raising King William's Grants chosen.] April 27. The Commons proceeded to the choice of Commissioners for raising the Value of Lands, and other uti-

lities granted by the Crown, since the 13th of February, 1688 9, and upon what considerations such Grants were made, in order to reimburse the same, and apply them to the use of the public; and the clerk, and clerk assistant went on each side the House with gloves, to receive from the members, the Lists of persons sworn to be Commissioners. A Convention being afterwards appointed to examine the Lists, they made their reports the 28th, and it appeared that the following persons had the majority, viz. for Sir Isaac Newton, 277; Mr. Boardman, 270; Mr. Black Cotton, 218; Mr. Robert, 167; Mr. Brewster, 137; Mr. Blackmore, 123; Mr. Wrayton, Mr. Mackenzie, 121.—The two last having an equal number of Votes, the Commons balloted upon for a Commissioner on the 19th, and upon examining the Lists, it was found, that Mr. Wrayton had the majority.

The Remission Bill rejected by the Lords.] April 16. The Commons read the third time, the Bill 'For remitting the Grants made by 'the crown since the 13th of February, 1688,' and, having inserted in it the Commissioners Names, resolved, That the Bill do pass, and sent it to the Lords for their consideration. But, on the 26th of April, their lordships rejected that Bill; which, by consequence, was thought partial, and injurious to the memory of the late king William.

The Queen's Message to the Commons concerning the Emperor's Death, and in question their Proceedings.] April 26. Mr. Secretary St. John acquainted the House, that he had a Message from her majesty, and he presented the same to the House, which Mr. Speaker read, and it was as follows:

"ANNA E."

"Her majesty is pleased to acquaint this House with the distress she hath received of the Emperor's death; and, being sensible of the consequences this great loss may be of to the allies, how deliberated upon of them may be

"The forces still continued to pursue the memory of king William; they complained of the grants made by him, though there were far more at that time, than had been made by king Charles the first; but that they made distinctions between those whom they intended to favour, and others, against whom they were set, they brought in a bill, empowering some persons to examine all the grants made by him, and to report back the value of them, and the considerations upon which they were made: this was the method, that had proceeded with them before, with relation to Ireland; so the bringing in this bill was looked on, as a new step, for carrying the remission of all the grants, that they had a mind to make void. When the bill was sent up to the Lords, the design appeared to be no wayes sincere, both against the memory of king William, and against those who had best served him; and therefore, upon the first reading, the bill was rejected." Tristram.

on the one hand, and how diligent France will be on the other, to suppose every attendant to their own advantage, her majesty is desirous to lay you down, that, unanimously, on the first news of the Emperor's sickness, she sent to a resolution to support the interest of the House of Austria, in this conjuncture, and to use her utmost endeavours to get the king of Spain made Emperor, at which the States-General have likewise concurred with her majesty; and, since that, her majesty hath taken the most proper means to engage all those who have a share in that Election, and are in the interests of the common cause, to join with her, in bringing this great work to a good issue, and she hath an entire confidence in the assent and duty of her parliament, that, with their assistance under the protection and blessing of Almighty God, she shall be enabled to make a happy conclusion of this War, in a safe and honourable Peace.—The wishes of the peer, and the length of time that has passed since your meeting, will make you all wish, that you may be so happy to attend the public, as well as your own private affairs, throughout the kingdom; and therefore her majesty does recommend to you, so to better your considerations about all the public concerns, that her majesty may put a speedy end to this session."

Folio thereon. [Hereupon it was unanimously resolved,] That an humble Address be presented to her majesty, to return her majesty the humble thanks of the House for her majesty's most gracious Message, and to assure her majesty, that the House truly sensible of the great loss the alliance hath sustained by the death of the Emperor, and of the duty and wife care her majesty has been pleased to take, to prevent the ill consequences thereof, by continuing to support the interest of the House of Austria, and by endeavouring to get the king of Spain elected Emperor. And further, to assure her majesty, that she may safely place an entire confidence in the duty and affection of this House, which cannot be discouraged by this misfortune, from supporting her majesty in all those measures, she in her great wisdom shall judge proper, to bring this war to an happy conclusion, by a safe and honourable Peace; and that the House will give all possible dispatch to the public business depending before them, that in her majesty may put a speedy end to this session."

Address of both Houses thereon. A Committee being appointed to draw up an Address upon this Resolution, they withdrew immediately into the Speaker's chamber for that purpose; and soon after Mr Thomas Hume, their chairman, reported the said Address; which, being agreed on, was sent to the Lords for their concurrence. The Lords having readily concurred, the same evening both Houses waited on the queen with the following Address:

"*Most gracious Sovereign,* We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons of Great Britain

in parliament assembled, beg leave to return your majesty our most humble thanks for your majesty's most gracious Message.—We are truly sensible of the great loss the Alliance hath sustained by the death of the Emperor; and do, with all duty, acknowledge the early and wise care your majesty has been pleased to take, to prevent the ill consequences thereof, by continuing to support the interest of the House of Austria, and endeavouring to prevent the election of the king of Spain to the empire.—Your majesty may safely place an entire confidence in our duty and affection, and may rest assured that we cannot be discouraged, by this, or any other misfortune, from supporting your majesty in all the measures, which your majesty in your great wisdom shall judge proper, to bring this war to a happy conclusion by a safe and honourable Peace.—And being truly convinced, how necessary it is to give all possible dispatch to the public business, we will use our utmost diligence in every part of a depending before us, that your majesty may have the satisfaction of putting a speedy end to this session."

The Queen's Answer. The Queen's Answer to this Address was,

"My Lords and gentlemen, I thank you very heartily for this Address; it is of great importance, that the world shall know, that both Houses of parliament do unanimously approve the measures, I have taken on the occasion of the Emperor's death, which will very much encourage our allies to continue united in the common cause."

Report concerning the Imperial Accounts. On the 4th Mr Andrew Harley had reported from the Committee to whom it was referred to enquire how for the several Imperial Accountants had passed their respective Accounts, and to consider of methods for the more efficient and speedy compiling the said accounts to pass their accounts; and to direct all irregularities and unnecessary delays in the same, the manner as it appeared to them, which they had directed him to report to the House; and he read the same in his place, and afterwards delivered in the Report at the table.

Resolution of the Commons thereon. [Hereupon it was ordered,] That it should be taken into consideration the Tuesday following, on which day it was further put off, next to the 17th and then to the 24th, of that month, when the Commons came to the following Resolution, "That, of the surveys granted by parliament, and issued for the public service to Christmas, 1710, there were 25,203,107*l*. 18*s* 9*d*." &c.

"This was a real sum; but, to make it up, some accounts in King Charles's time were thrown into the heap; the last Parliam^t's accounts of the former reign were the greatest part; and it appeared, that no survey accounts were so regularly brought up, as in the queen's reign. Mr Bridges's accounts, of 14 or 15 millions, were the great sum, of which, not above half a million was paid; but there

a great part whereof, no Accounts had been laid before the nation, and the rest not prepared by the accountants, and finished."

Then the further consideration of that Report was put off till the 18th, when, after some debate, it was resolved, "That the next com-

ing accounts of above 11 millions brought in, though not passed in form, through the great council and commons of the duke of Newcastle, at whose office they were to pass, and to run very slow, and would allow nothing, without having consented on every article. The truth is, the methods of passing accounts were so slow, that they went very slow; and it was not possible, for the proper officers, to find time and leisure to pass the accounts that were daily in their hands. Upon this, though in great haste, the committee had managed the ac-

count, with an incomprehensible, tedious, and diligence, that were an insupportable, that it was not possible to fix any censures for administration; yet because many accounts stood out, the Commons passed several angry votes on that subject: but, however, since nothing had appeared in all the Resolutions made by the committee, that reflected on him or on any of the Whigs, they would not publish the Report, though it was ordered to be printed; for by that it would have appeared who had served well, and who had served ill.

Mr. Maynwaring, the other Auditor of the Imports, has given the true state of these Thirty-six Millions, the chief articles of which are as follows:

	£.	s.	d.	£.	s.	d.	£.	s.	d.
The sum of Rensselaer's Charge is	-	-	-	21,018,018	19	4½			
Discharge, — By Accounts actually									
paid	-	-	-	14,268,663	4	3½			
By Accounts rendered or lying be-									
fore the Auditors	-	-	-	6,400,188	0	8½			
				21,018,847	19	10½			
Remains to be accounted for	-	-	-				3,771	0	6
The sum James Dryden, esq; his									
Charge is	-	-	-	14,204,000	1	11½			
Discharge, — By Accounts actually									
paid	-	-	-	934,780	0	8½			
By Accounts rendered or lying be-									
fore the Auditors	-	-	-	6,601,692	0	7½			
				7,034,781	10	0½			
By Accounts delivered since Chris-									
mas, 1710	-	-	-	3,203,770	3	6			
Remains to be accounted for	-	-	-				3,099,070	4	0
The sum Falkland's Charge is	-	-	-	3,094,700	7	11½			
Discharge, — By Accounts actually									
paid	-	-	-	1,123,188	0	11			
By Accounts lying before Auditors	-	-	-	1,460,260	0	7½			
				3,083,801	11	8½			
Remains to be accounted for	-	-	-				508,801	10	8½
Or Thomas Littleton's Charge is	-	-	-	10,003,740	1	5½			
By Accounts actually paid, or ready									
for declaration	-	-	-	7,650,000	0	3½			
By the Accounts lying before the									
Auditors, under the transmission									
of the Navy-board, and by money									
paid over to R. Walpole, esq.	-	-	-	10,370,170	10	0½			
				10,369,663	4	4			
Remains to be accounted for	-	-	-				53,807	37	1½

"In the same manner he states the accounts of Atterton, Notting, Mason, Power, Machellman, and Sawyer; by which it appears, that, of the thirty-five millions, above thirty millions were accounted for, though not all passed, and that the total to be accounted for, amounted only to 4,330,123: which, Mr. Maynwaring observes, was much short of a year's supply. He says farther on this

subject, "an accountant is obliged, by the course of the book-keeping, to render his account under fifteen months, not some under eighteen; yet this vote taken in all accounts is to the first meeting of the committee; but there is no mention made from what period of time they did commence. To have been particular, in every request, was too much for the compass of a vote, so that there are se-

Further consideration of the said Report be adjourned, it passed in the negative; and, after a further debate, it was resolved, "That the several Accountants who had neglected their duty in passing their Accounts, ought no longer to be entrusted with the receiving the public money." And Ordered, that the said Report be printed.²

"accounts from King Charles, King James, and King William's reigns, to the principal branches of the expense in all the several reigns; as, to make up and settle the general account; and then to, by many thousands of people, without delay, engaged in the late situation."

He then expressed the anxiety of the House of Commons, in which he was himself a member, in ordering to present a Vote to be presented, and says, "and now as I may be allowed to suppose what I think I have fully proved, that some irregularities and unavoidable delays, attend the passing of some accounts, which no care or industry can prevent. If it happens, that the nature of the services, and the method of payment in some offices, being inconsistent with the course of the exchequer, requires press made, and are the work of a longer time than is wanted for passing accounts; if it appears, that these irregularities, incident to services, are yet necessary for the accommodation of the service, and not to be avoided without infinite prejudice to the management; and if it appears, that the security of the public does not mainly depend upon the actual passing of accounts, provided they have been duly rendered," all which he fully makes out, "I hope people will begin to be satisfied, that the nation has not been cheated of 55 millions." Tiedel.

"April 27. I am heartily sorry to find my friend the Secretary stand a little tickish with the rest of the ministry; there have been one or two disagreeing things that have happened, too long to tell; and the other day in parliament, upon a debate of about 55 millions that have not been duly accounted for, Mr. Secretary, in his warmth of speech, and and for his friend Mr. Brydges, on whose part of the blame was falling, said, he did not know that either Mr. Brydges or the late ministry were at all to blame in this matter; which was very desperately spoken, and giving up the whole cause; for the chief quarrel against the late ministry was the ill management of the treasure, and was more than all the rest together. I had heard of this matter; but Mr. Foley beginning to discourse to-day at table, without naming Mr. St. John, I turned to Mr. Harley and said, if the late ministry were not to blame in that article, he (Mr. Harley) ought to join his head to putting the queen upon changing them. He made it a jest; but by some words dropped, I easily saw that they take things all of Mr. St. John, and by some hints given me from another hand that I deal with, I am afraid the Secretary was not much longer. This is the fact of Castra. I will, if I meet Mr. St. John alone

The Speaker congratulated Mrs. Harley on her Escape and Recovery. On the 14th of April the Commons resolved, nem. con. "That when the right hon. Robert Harley, esq. Chancellor of the Exchequer, attends the streets of the House, the Speaker do, in the name of the House, congratulate the said Mr. Harley's Escape, and Recovery," from the barbarous and villainous Attempt, made upon him by the *Sieur de Guiscard*.³ Accordingly, on the 15th, Mr. Harley being in the House:

The Speaker, pursuant to the above Resolution, did in the name of the House congratulate him as follows:

"Mr. Chancellor of the Exchequer:

"When the barbarous and villainous attempt, made upon you by the *Sieur de Guiscard*, a French priest, was communicated to the House, they immediately declared, they were most deeply affected, to find such an instance of outrageous malice against you; and observing, how you have been assailed by worse persons, they concluded, they had reason to believe, that your fidelity to her majesty, and zeal for her service, had drawn upon you the hatred of all the disorders of party and faction.—In the opinion they must be abundantly confirmed, since the lords, and the commons, have concurred with them.—So; If your fidelity to her majesty, and zeal for her service, could ever be doubted, and wanted any testimonials, to prove them, you have now the most honourable, the most humble, and the most undeniable, that can be given; and, after these, it would be an unpardonable presumption in me to imagine, I could add to them, by saying any thing of your faithful discharge of those great trusts, you have been honoured with, to which your constant address at last recommended you, and your distinguishing merits have since justified her majesty's own choice.—Your very enemies, Sir, acknowledge this by their unvaried and violent hatred; even against your person, and reputation. And he thanked, they have been hitherto disappointed, and have not been able to accomplish what their interests, but impotent, make had designed against both. And may the same providence, that has wonderfully preserved you from some unparalleled attempts, will that has raised you up to be an instance

on Sunday, tell him my opinion, and beg him to set him self right, else the consequences may be very bad; for I see not how they can well want him neither, and he would make a tremendous mistake." Swift's Journal.

"April 18. They talk of great promotions to be made; that Mr. Harley is to be lord treasurer, and Lord Pringle master of the horse, &c. but they are only conjecture. The Speaker is to make Mr. Harley a compliment the first time he comes into the House, which I hope will be in a week. He has had an ill success, by the expense of that puppy Dr. Radcliffe; which has kept him back so long; and yesterday he got a cold, but is better to-day." Ibid.

and of great good in a very artificial manner, when it was much wanted, continue still to persist in endeavouring a life, for the profiting of what it so happily began, that we may owe to your councils, and to your conduct (under his majesty), the maintenance, and firm establishment, of our constitution in Church and State.—These expectations, Sir, have filled this House with an insupportable satisfaction for your escape, and recovery, which they have unanimously commended me to congratulate I do therefore, in the name of this House, congratulate your escape and recovery, from the tedious and tedious attempt, made upon you by the Ruler [the Government].¹

Mr Harley's Speech (shorten.) The Chancellor of the Exchequer returned the House his humble Thanks, for the great honour they had done him, as follows:—

"Mr. Speaker;

"The honour this House hath done me, which you have expressed in so obliging a manner, is a sufficient reward for the greatest merit; I am sure it is the second my desire, that all I can do, or suffer, for the public, during the whole course of my life, will live me in debt to your goodness.—By the acceptance you have vouchsafed my poor services, how noble an encouragement, worthy of you, has this Honour given all our fellow-subjects in what they do in the glorious cause of preserving the constitution in Church and State, and in loyalty to the best of sovereigns!—This, without doubt, was your view; and that my country all, who are not deeply obstinate, has seen the true interest of the nation is to do the honourable assembly.—Sir; The undiminished fear, I have retained this day, is deeply engraven on my heart; and whenever I look upon my heart, it will put me in mind of the thanks due to God, my duty to the queen, and that debt of gratitude and service I must always owe to the honourable House, to you, Mr. Speaker, and to every particular member."²

Mr. Harley's Bill for the South-Sea Trade.] Says The Commons being in a committee of the whole House on Ways and Means, Mr. Chancellor of the Exchequer, Harley³ proposed a Scheme he had formed, to satisfy all public

and national Debts and Deficiencies, by allowing the proprietors of those Debts and Deficiencies an interest of six per cent per ann. redeemable by parliament; and incorporating them to carry on the trade to the South-sea; which, if once settled, will yearly bring vast riches from Peru and Mexico into Great-Britain.

Resolution of the House (shorten.) This Project being received with general approbation, the Committee came to these Resolutions: 1. That a yearly sum not exceeding 100,000*l*. for 20 years out of the weekly sum of 700*l*. coming out of the Post-office, and out of the duties upon hides, skins, vellum and parchment, granted in this session of parliament, be set apart and appropriated for raising a sum not exceeding 1,000,000*l*. by contribution, for Exchequer orders payable in money, with a certain increase of principal and interest, according to several clauses, with addition of chances. 2. That a Fund be granted to her majesty, her heirs and successors, for payment at the interest of 6*l* per cent per ann from the 24th of December, 1711, for the several public debts and deficiencies, for which a supply was granted by the resolutions of the House the 28th of March last; and also for the interest for the said debts and deficiencies to the 24th of December, 1711; and that such Fund be made redeemable by parliament. 3. That towards the raising the said Fund, the several impostures and additional impostures, rates and duties, and sums of money, which by an act made in the eighth year of her majesty's reign, entitled (among other things) 'An act for continuing several impostures, additional impostures, and duties upon goods imported, to raise money by way of offices for the service of the year 1704,' were granted and continued, as applied for the payment of the principal-money, to be lent or advanced by virtue of the said act or the interest thereof, shall be granted and continued to her majesty, her heirs and successors, from the several days and times for which, by the said act, they are so granted and continued, or applied for the same, redeemable by parliament. 4. That, in order to make the said Fund the more effectual, all such bills, and orders as have been made out by virtue of the said act, made in the eighth year of her majesty's reign, shall be engraven into, and upon the said general fund, and that the several impostures, additional impostures, rates and duties, and sums of money by the said act granted, continued or applied for the payment of the said bills and orders, shall be made a part of the said general fund, for paying the said prin-

cipl and of Oxford, and have the roof. The man has grown by persecutions, turnings out, and striking. What waiting, and crowding, and hawking, will he at his house? yet, if human nature be capable of so much misery, I should believe he will be the same man still, having the necessary force of gravity he must keep up." *Seymour's Journal.*

"April 25. I believe Mr. Harley must be Lord Treasurer; yet he makes one difficulty which is hard to answer. He must be made a lord, and his estate is not huge enough, and he is too generous to make it larger, and if the Treasury should change soon by any accident, he will be left in the lurch. Another difficulty is, that if he be made a peer, they will want him prodigiously in the House of Commons, of which he is the great mover, and after him the Secretary, and hardly any else of weight."

"May 22. I met Mr. Thomas Mordaunt and Mr. Lewis in the Park. Lewis whispered me, that Mr. Harley's patent for earl of Oxford was passed in Mr. Secretary, Sir John's, office, so tomorrow or next day I suppose he will be de-

sipal and interest-money, during all such time as the same are by the said act created, continued, or applied as aforesaid. 5 That towards the said fund, the duties upon candles, and rates upon money to be given such clerks and apprentices, which, by an act made in the sixth year of her Majesty's reign, were granted to her Majesty from the first day of May 1710, for the term of five years, be further granted and continued to her Majesty, her heirs and successors, from the last day of April 1710, for ever, redeemable by parliament. 6 That the proprietors of the said *Debt and Deficiency* be incorporated, to carry on the trade to the South Seas. 7 That what the said rates and duties before agreed to, be part of the said fund, for payment of the said interest, shall fall short of paying the said interest, such deficiency shall be annually paid out of the first mch, that shall from time to time, be granted by parliament."

These Resolutions being the next day reported were agreed to by the House: and a Bill was ordered to be brought in thereupon."

"The last thing settled by the parliament, was the granting a new fund for a trade with Spain. The Commons, on the 20th of January, had appointed a Committee to examine the debts of the Navy; and, about two months after they reported, that these debts amounted to above five millions. This great debt upon the navy was occasioned partly by the deficiency of the funds appointed for the service at sea, but chiefly by the necessity of applying such supplies as were given, without appropriating charges, to the service abroad, where it was impossible to carry it on by credit, without ready money: so it was judged necessary to let the debt of the navy run on upon credit; by which means it had risen up to six money millions, and the discount on Navy-bills was very high. All this debt, with many others, were thrown into one stock, amounting in the whole to 8,471,388*l.* and a fund was formed for paying an interest or annuity of 5 per cent. till the principal should be paid, which interest amounted to the annual sum of 568,296*l.* 10*s.* For the raising of this sum, all the duties upon wines, vinegar, and spirits, hawks goods, wrought silks, whale-fish, &c. were, after the year 1710, continued for ever, and till then the parliament was to make an annual provision for the interest. With this fund was also granted the monopoly of a supposed trade to the South-sea or coast of Peru in America: the several proprietors of the Navy-bills, Debentures, and other public securities, being to be incorporated for that purpose. This grant may justly be called chimerical, since the projector knew he was entering upon a negotiation of peace, which by the union of Spain and the West-Indies, would far ever exclude the English from the privilege of trading to Peru and Mexico. Accordingly instead of such trade, King Philip, upon the conclusion of the peace, gave the privy-counsellors to send a ship for two trading vessels, bearing their bills at so many and value of

A Paper relating to the Bill about the New Adventures' Debentures] May 12. Upon a Complaint made of a printed Paper delivered at the door of the House of Commons, viz.

corps. This address produced what is called the South-sea Company.

The particulars of the *Debt and Deficiency*, that were then incorporated were as follows:

The debt of the Navy - - -	2,155,000	0	0
The debt of the Ordnance - -	124,224	10	0
For Transport-service - - -	400,781	0	0

As well, and transport-debentures, on Sept. 29, 1710

Deficient tolls and duties on 7 Wth S, c 15, and another act, 1 Anne, for

buying duties on goods - -

Debt between Sept. 20, 1710, and Dec. 20, 1710, on the Office of the Navy,

Victualling, and Transport - - - - -

On subscription to the Election of Hanover and D of Zell

The interest of the said debts as cover moneys, from Dec. 20, 1710, to

Dec. 20, 1711 - - - -

For money lent pursuant to an act, 1 Anne, c. 15, to raise money for the year 1710 - - - - -

For interest due on the same, March 25, 1711 - - - -

All these amount to - - -

The interest of this sum from March 25, 1711, to Dec. 20, 1711, at six per cent. - - - - -

To be raised for the service of the year 1711 - - - -

The whole stock - - - -

"For payment of the interest of this stock at six per cent. the continuation of the several mortgages, since 1710, was granted to raise the annual sum of 568,296*l.* 10*s.*

"The Statute of the new mortgage made great use of this to mortgage them, and to improve the old manner. But the earl of Godolphin's extraordinary integrity was such, that no negotiation of any sort could be introduced: so that, and therefore, to keep up a revenue, they collected on the six mch. he had in the Statute made, upon it a early mortgage of 1710, which were very justly acknowledged, and cleared in the same day manner, as both have it said. But that offer was now reviv'd, and it was said to let an instance of the great right of the Commons in giving supplies, to enter on designs, and to engage the nation in expence: but your right for by parliament. That was agreed with many strong expressions"

results of our conquests, which we hope, your majesty will not judge to be answering your royal considerations.

"In entering into the State of the War, and looking back from the beginning of it, we find, that, in several years, the service has been enlarged, and the charge of it increased beyond the bounds prescribed, and the usual supplies granted by parliament: in this new and illegal practice, we must, in great measure, ascribe the rise and growth of the heavy Debt that lies upon the nation; nor does the consequence of it end there; for, we must also ascribe it to your majesty as a dangerous invasion of the rights of parliament. The Commons must ever assert it as their sole and undoubted privilege, to grant money, and to adjust and limit the proportions of it; and when your majesty has recommended to them, to consider of Supplies, and they have deliberated upon the several Estimates for the annual service, and considered and determined what the nation is able to bear, their proceedings would be very vain and ineffectual, if, after the respective sums are voted, and granted, those, through whose hands the disposition of those sums, are allowed, in any measure, to alter and enlarge them. This is an attempt which very little differs from laying money without consent of parliament, as will appear to your majesty from this one consideration, that a charge of that kind once assumed, and laid as a debt upon the navy, or any other public office, is so far from being upon Parliament, that, how little soever they approve of the means by which it was contracted, yet the public credit being preserved, the Commons cannot, without the leave of that, venture to provide for it.

"This also has been an occasion, why great sums of unappropriated money, arising from the excise-duties and surplusses of some of the taxes granted by Parliament, have not been applied, as they ought to have been, in aid of the disbursements of other funds. Had this just care been observed, the debts of the nation could not have increased to so exorbitant an height: but other sums were found not, such as were neither voted, nor addressed for, by Parliament, which, therefore, we suppose to have been a misapplication of the public money.

"With regard to the Debt of the Navy, we find, that one great discouragement and barrier, which that part of the service has long under, has been from a liberty that has been used, of diverting several sums loaned to that service, and transferring them to other purposes, for which they were not intended: particularly, that the sum of 680,000*l.* for 1*st*, belonging to the navy, has been paid for provisions supplied to land forces sent to Spain and Portugal, and for the garrison of Gibraltar; for which, no deduction have been made out the pay of those forces, nor any part of that sum re-assigned to the Navy; and, besides, making the several acts of parliament powerful, and the same letters writ, and representations made to the Treasury to that effect. The unjustifiable proceeding has been a discouragement to actually discontinue the

paying extravagant rates upon contracts, and has very much contributed to sink the credit of the navy.

"To this we must add the many numerous Embroiderments, and excrescences at home, which appear to have been granted, as well to the management of your majesty's House-keepers, as to the contracts for furnishing the navy with stores. We have already presented to your majesty, that several persons whom we have discovered to have been guilty of doing frauds, should be prosecuted at law for their offences; and we entirely rely upon your majesty's most generous assistance, that those persons should be effectually carried on. But we must also, upon this occasion, beg leave, further to represent to your majesty, That the Commissioners appointed to take care of the Victualling your majesty's Navy, have been guilty of great negligence and remissness in their duty; for the instructions, which go along with that Commission, are so well adapted to the preventing those very abuses which have been committed, that nothing but a systematic management at that office, and an inviolable strictness in pursuing those instructions, could have given way to the great loss the public has sustained in that part of the service.

"The real effects of this Mismanagement in public offices, and misapplication of Parliamentary Supplies, have been increased by the very methods of bringing in the public money; for it has appeared to us, that the recovery of the land tax, and of the other revenues, have not been called upon to pay at the money they had received, in due time, as the law requires. Such has been the dilatory conduct, and unreasonable indulgence of those, whose duty it was to oblige those recoverers to make due and punctual payments, that on the 8th day of December, 1710, there was an arrear of the several land taxes, for 3 years, ending the 24th of March, 1703, amounting to the sum of 272,285*l.* for half some part of which was paid into the Exchequer since the Commons had ordered an enquiry into that matter; yet the sum standing out, at the beginning of April, 1711, was 203,455*l.* 7*s.* 4*d.* 2*h.* From the same sum, the public remains long under the load of interest, for want of that care which has in the hands of recoverers; so that the Supplies granted to your majesty, however large, as well proportioned to the exigencies of the war, could never prove sufficient to prevent the maintenance of debts, while they were neither collected nor disbursed faithfully, according to the ends and methods designed by parliament.

"Thus far we have proceeded in discussing some of those causes which have brought to great a weight of debts upon the nation, and we might have made a much greater progress in our enquiry, if the accounts of the public money had been regularly paid; but it is our great surprise and concern, we find, that when who at late years, had the interest of your majesty's Revenue, and ought to have compelled the several accountants duly to pay their re-

expensive accounts, have been guilty of no enormous breach of trust, and of no high an ingratitude to the nation, than the money granted by parliament, and issued for the public service in Christmas, 1710, there remains unaccounted for the sum of 55,200, 170*l*. for a great part of which no account have so much as been laid before the auditors; and for the rest, though some accounts have been brought in, yet they have not been processed by the accountants, and finished. This has made a impracticable for us to assert in so exact a knowledge of the use of the money, with regard to the public treasury, as we wished and might have expected; and your majesty will please to consider, as such an enormous sum unaccounted for, how many inconveniences may be concealed, and how justly it may be suspected, that so considerable a sum has been allowed with so bad a design. We humbly beseech your majesty, that you will give ourselves and efficient directions for the compelling the several accountants speedily to pass their accounts; and, in the mean time, we humbly hope, your majesty will approve the resolution of your Committee, 'That each of the accountants who have neglected their duty in processing their accounts, might no longer to be entrusted with receiving the public money.'

"We cannot omit taking notice to your majesty, of another extraordinary instance, in which the public money has been misapplied, by bringing over the poor Palatines to inhabit and settle themselves in this kingdom. This was not only an extravagant and unreasonable expense in itself, but many other ways uneasy and grievous to your people, for, as it was visible, that such numbers of foreigners and native foreigners must unavoidably tend to the increase and oppression of the poor of this kingdom, in being a mixture of people of all religions, it was evident, how dangerous they might prove to the quiet of our government, and the constitution of our established church. Upon what encouragement and invitation they came over, we have not been able to discover; but we look upon it as certain, that the calling out so many families from a country in remote could not be brought about without industry and contrivance; and those who were concerned in it, seemed to have been conscious of the use of their own designs, by the secrecy with which they pursued them. Your majesty, in your great wisdom, will take resolution from whence the attempt and advice proceeded, and will surely approve it as our opinion, that the authors of it were unwise to your majesty and your kingdom.

"We beg leave to offer to your majesty's consideration but one thing more, which has charmed your people with just fears, the arbitrary attempt of some dissolving Corporations by imposing a Charter upon the borough of Bowdler; a charter void and illegal, not being accepted by the corporation themselves, being destructive of the constitution of the parliament in transferring the rights of citizens to others;

and injurious to your majesty's subjects, in divorcing them of their franchises and freeholds, even after they had been affirmed by judgements upon the rigorous prosecutions of *Que Warren*. We assure your majesty our most humble thanks for putting a stop to so pernicious a precedent, by ordering the proper methods to be taken for restoring the said charter and quieting the borough in the possession of their ancient privileges; we are truly sensible of your majesty's tender regard to the rights of all your people; and we cannot without indignation reflect upon the oppressive designs of those evil councillors, who ventured to have brought a breach of this kind upon your majesty's most just and gentle reign.

"From all these evil practices, and worse designs, of some persons, who had, by false professions of love to their country, recommended themselves into your royal favour, inseparable mischief had accrued to the public, had not your majesty, in your great wisdom, seasonably discovered the real tendency of such measures; and, out of your singular goodness to your people, removed from the administration of affairs, those who had in it manifested the forcible opinion your majesty had conceived of them, and, in so many instances, grossly abused the great trust reposed in them. Your people could with greater patience have suffered the manifold injuries done to themselves by the fraud and depredations of such evil persons, had not the same men proceeded to treat your sacred person with indignities and dangers; but, as the interests of your majesty and your people are inseparable and by your majesty and your good subjects inseparably pursued, the misdeeds which these men had done to the public, drew upon them your royal displeasure; and their enmities towards your majesty justly exposed them to the indignities of your people.

"Your majesty had, from the beginning of your suspension reign, expressed a truly Christian moderation by promises of lenity and protection to all your peaceable subjects, and of disinterested and honour to those who should most recommend themselves by their zeal for the established government in church and state; but these men were bound to themselves with an unaccountable scheme of balancing parties, and under a false pretence of temper and moderation, did really encourage faction by discountenancing and depressing persons zealously affected to your majesty and to the church, and by extending their favour and patronage to men of licentious and impious principles, such as shake the very foundation of all government, and all religion.

"That of our undivided and for your majesty's honour and service, and our faithful attention to the public good, we cannot forbear with all humility and reverence to beseech your majesty that you would avoid, as the greatest enemy to your royal dignity, and to your people's safety, all persons who shall endeavour to engage you in such partial and partial, and that

you would employ, in places of authority and trust, such only as have given good testimony of their duty to your country, and of their affection to the true interest of your Kingdom.

"These are the humble Desires of your faithful Commons, and these we have to be your Majesty's gracious recollection. From your tender concern for the church and nation, and from what you have lately done, and are going on to do, for the happiness and satisfaction of your people, we present ourselves humbly, and with confidence of this our application; and from our duty to your Majesty, and our fidelity to our trust, your Majesty may conclude in us, that we will, upon all occasions, defend and support your Majesty, and our happy constitution, against all enemies and opposers whatsoever."

The Queen's Answer. [In which the queen returned the following Answer:]

"Gentlemen; The Representatives give me both assurances of your zeal for my service and for the true interest of your Country—it contains many particulars. I will take them all into my serious consideration, and give the necessary directions to confirm the Grievances you complain of,—I am sure that you will persevere upon all occasions, but the greatest weight will be."

[Orders for new Seats in the room of Members advanced to Place.] June 7. The Lords having passed the Bill for raising two millions, without amendment, it was generally expected, that the queen would, that day, have come to the House of Peers, to put an end to this long session; but it was thought fit to let the Commons sit some days longer, to give them an opportunity to make Orders for the raising and new Trials for electing members in the room of such as were advanced to places of trust and profit. Accordingly, the Commons ordered, that day, a new writ to be made out, for the city of York, in the room of the late Robert

Benson, esq. Chancellor and Under-Treasurer of the Exchequer, and another for Henry, in the room of Mr. Thomas Frankland, appointed to manage the duties of the Post-office. Then the Commons advanced to the 26th, where new writs were ordered to be issued out for Sir George two times of late-time Sir George Fergus, esq. who was made master of his Majesty's great-chamber; another, for Somerset, in the room of Mr. William Walsburn, Esq. advanced to the office of justice at her Majesty's Court and high-chest. This done, the Commons adjourned upon to the 27th, and being there met, ordered other new writs to be made out, in choosing, 1. A burgess for Dorchester, in the room of Edward Jeffreys, appointed one of his Majesty's justices for the counties of Pembrokeshire, Carmarthen, and Cardigan. 2. A burgess for Salisbury, in the room of Edward Philipps, esq. made chamberlain to the Court. 3. A burgess for Bathford in the room of Charles Long, esq. appointed Treasurer in the Navy, in the room of Robert Walpole, esq. 4. A burgess for Gloucester, in the room of Mr Thomas Mansel, advanced, or rather restored, to the office he enjoyed some years before, of esquire-clerk of the queen's household, in the room of Mr John Holland. 5. A burgess for Dorchester, in the room of Edward Foley, esq. made chamberlain of the duties upon linen and wool. 6. A burgess for New-Bedford, in the room of the right hon. Robert Harley, now and of Oxford, Esq. called up to the House of Peers. 7. A burgess for Newcastle, in Lancashire, in the room of John Ward, esq. made one of the justices at the counties of Chester and Flint, Denbigh and Montgomery, under the presidency of Wales, and one of her Majesty's counsel learned in the law, in the room of Mr Lenthwicke. And in the 28th and last place, a burgess for Tipton, in the room of Francis Gwynne, esq. appointed one of the justices of the bench and pleas. And

The Queen's Speech at the Close of the Session. June 29. The queen came to the House of Peers; and, after passing several Bills, put an end to the session with the following Speech to both Houses:

"My Lords and Gentlemen;

"It is with great pleasure I tell you, at the end of this session, that you have fully merit good all the assurances you gave me at the beginning of it.—That I look upon as a further pledge of our subjects duty and affection; which is the highest support of my throne.—I thank you, gentlemen of the House of Commons, in a particular manner, for what you have done. You have complied with my desire in granting a supply for building a new navy, Churches, and you have not only enabled me to carry on the war, but have also relieved me almost far paying those heavy debts, which were almost grown an insupportable burden on the public; and this, at a time, when our enemies, every where, played themselves with the hopes, that the supplies for the service of the current year would not have been found. You have disappointed them in all respects, and by the great

"It was never known before, that there were set apart for rewarding members of parliament with places and employments; but that will look upon the Value of the last day of the first session, will look almost as being done but new writs ordered in the room of Parliament-men, who had returned their wages for their past year's service, and so early a week were they come in look, that at the end of the second session, when the queen's Speech was made, and the session closed, to all other matters and purposes, both Houses, are ordered to advance themselves on England's state, as if something extraordinary was well behind, that might require the sitting of the parliament, but when the day comes, nothing is there, but a second list of loyal members, professions, or professions; and the numerous as persons named advance, are a new writ ordered to be filled up; and these dutiful members might be ready at the beginning of the next session, to serve those that had so well rewarded them for their past services." Short History of the Parliament, Written by W. W. Esq.

what you have raised. The greatest to be wished is, that your power be not so much as you have increased the public credit, which I will take care to preserve, by a frugal management.—The world must now be satisfied, that nothing can be so difficult as to be perfectly satisfied with so much as the true interests of the nation is Church and State.

* Mr Lords and Gentlemen, The satisfaction I take in the power with which God has granted me, in, to employ it for the private and good of all our people, whose progress I have as much as least as ever any of my predecessors had.—You see the happy effects of a mutual confidence between me and my subjects, I shall look upon my attempt to leave it, as a step towards dissolving my government.—The temper you have shown, and, I hope, encourage those who have the satisfaction to differ from our church, that their liberty is not in danger.—It is needless for me to repeat the assurances of my warm interest for the Succession to the Hanover House, and of my fixed resolution to support and encourage the Church of England as by law established.—You are now returning to your several countries, and I expect trust you, that you will further recommend yourselves to me, by endeavoring to promote the public peace and quiet.

Principal Occurrences during the Revo.] The duke of Marlborough having been made may as his command abroad, took the field as usual, and on the 1st of French lost at Arden and Blenheim without opposition, August 11, after which he received Bouillon, and in the midst of deliberations believed to be almost insupportable, obliged the garrison to surrender at discretion, on the 1st of French army, who did not venture to make any attempt for their relief.—But as the same while Mr Messenger coming over to England with proposals of peace, Marshal Tallard was permitted to go home on his parole for 4 months, and Utrecht was appointed a place of Congress; which was to be opened on the 1st of January following.

The parliament having been prorogued to the 11th of November, a Council was held on the 15th at St. James's, where it should be further prolonged, or only adjourned for a few days, and it was at last carried for a prorogation till the 1st of December. It seems the Duke, before this gave their consent to the opening of a Congress, were determined to see first how the parliament was inclined; but the earl of Shaftesbury, perceiving their design, told them plainly, that, till they agreed to treat, the senate would not be agreed, so they complied. Another reason for prolonging the parliament so late in the year, was the discovery of a conspiracy of some eminent persons of the High Church party, with those of the contrary side, and of their having concerted a Representation to be laid before the Queen against a Peace on the foot of the proposals made by France; which it was thought, might be prevented, if not by other means, at

least by the coming up of the Scotch peers, not above three or four of whom were yet arrived at London.—As the next time, peace was taken on many persons who were supposed to be concerned in the intended Representation. The lord treasurer Harley endeavored to revive the earl of Nottingham in the court business, against which he had openly declared. And the queen, at the same time, charged the duke of Arles and his Affairs, the earl of Dorset and Scarborough, the lords Townson, Cowper, and particularly the duke of Marlborough, who, upon his coming over, spoke plainly to the queen against the war; then was already made.—but he had been promised, that what he said would be no impression, so he desired to be excused from coming to court, and he went against the present proceedings. All the rest likewise remained firm in their opinion, to the great disappointment of the new ministers. It was therefore proposed at first as a expedient on the 1st of December, to send both Houses to adjourn for a few days, during which time resolutions might be used to defeat the things lately moved against the present affairs; but some members of the party not having represented the peers and gentlemen, which such an adjournment, after so much procrastination, might create in the minds of the people; and, on the other hand, the necessity, either long, with the ministers of their Scots friends, to have a majority in the House of Lords, or, at least, being aware of it in that of the Commons, it was, after a long debate, finally resolved, that the parliament should sit on the day, to which they were last prorogued.

* Nov. 13. The parliament is again to be prorogued for 8 or 9 days; for the Whigs are too strong in the House of Lords; other opinions are pretended, but that is the truth. The prorogation is not yet known, but will be tomorrow." Swift's Journal.

† "Among others," says bishop Burnet, "the queen spoke to several; she said, she hoped peace would not be agreed to peace. I said, a good peace was what we prayed for; but the professions offered by France gave no hopes of such a one; and the trusting to the king of Spain's faith, after all that had passed, would seem a strange thing. She said, we were not to regard the professions; we should have a peace upon such a bottom, that we should not at all rely on the king of Spain's word; but we ought to suspect our opinions, till she agreed to us with the whole nation. I should have to spend my word plainly, which she granted. I said, my words, by which Spain and the Whigs were led to King Philip, must own him while he lived up all Europe was the breath of France; and, if any such peace should be made, she was betrayed, and we were all ruined; no less than in the present time, she would be rewarded, and the French would be again ruined on Scotland. I pursued this long, till I saw the great things said elsewhere."

‡ Dec. 1. The parliament will certainly

SECOND SESSION OF THE THIRD PARLIAMENT OF GREAT BRITAIN.

The *Queen's Speech on opening the Session* [December 7, 1741]. The queen went in state to the House of Peers and opened the session with the following speech to both Houses:

"My Lords and Gentlemen, I have called you together in state in the public-church would permit, and I am glad that I can now tell you that, notwithstanding the size of those who delight in war, both peace and war are appointed for opening the Treaty of a general Peace.—One other (especially the House of Commons) whose interest I look upon as inseparable from my own, have, by their ready concurrence, expressed their entire confidence in me; and I have no reason to doubt but that my own subjects are as much as my particular care of them.—My chief concern is, that the Protestant religion, and the laws and liberties of those nations, may be secured to you, by securing the Succession to the crown, as it is limited by parliament, to the house of Hanover—I shall endeavour, that after a war which has cost so much blood and treasure, you may find your interest in trade and commerce improved and enlarged by expense, with all other advantages which a tender and affectionate sovereign can procure for a dutiful and loyal people.—The private undertakes, which have been engaged with even this war, being by treaties, entitled to have their several interests secured at a peace; I will not only do my utmost to procure every one of them all reasonable satisfaction; but I shall also unite with them in the strictest engagements for continuing the Alliance, in order to render the general peace secure and lasting.—The best way to have this Treaty effected, will be to make ready provision for the campaign. Therefore I must ask of you, gentlemen of the House of Commons, the necessary supplies for the next year's war; and I do

meet on Friday next; the Whigs will have a great majority in the House of Lords; no care is taken to prevent it; there is too much neglect, they are wanted of it, and that signifies nothing—it was said there would be some powerful Address from the Lords against a peace. I heard about the truth, that several of the allies began now to be content that a peace should be treated.

"Dec. 3. The Whig lords are doing their utmost for a majority against Friday, and design, if they can, to address the queen against the peace. Lord Nottingham, a famous Tory and speech-maker, is given over to the Whig side—they count him duly, and Lord Wharton says, 'It is Decal!' (so they call him from his looks) 'will save England as last!'

"Dec. 8. To-morrow is the fatal day for the parliamentary meeting, and we are full of hopes and fears. Wharton we have a majority of 10 on our side in the House of Lords; yet I observed Mr. Melbourn a little uneasy; also an more we disagree in many. See the Journal.

most earnestly recommended to you, to make such dispatch therein as may convince our friends; that, if we cannot obtain a good peace, we are prepared to carry on the war with vigour.—Whatever you give, will be still in your own power to apply; and I doubt not but, in a little time after the opening of the Treaty, we shall be able to judge of its event.

"My Lords and Gentlemen; As I have had your cheerful assistance for the carrying on this long and disagreeable war; as I value myself, that no true Protestant, or good subject, will envy Britain, or see the glory and magnificence of ending the same, by a just and reasonable peace (as we and all our allies)—Such a peace will give me a life to our foreign trade, and I shall do my utmost to improve that happy opportunity to advantage our home manufactures, which will tend to the raising of my subjects in that manner charge they now lie under in maintaining the poor, and to correct and reform such abuses as may here crop up any part of the above stream during so long a war—I cannot conclude, without earnestly recommending to you all economy; and that you will carefully avoid every thing which may give occasion to the enemy to think us a people divided amongst ourselves, and consequently prevent our obtaining that good peace, of which we have with reasonable hopes, and so much room.—I pray God direct your considerations in this and that being delivered from the hardships of war, you may become a happy and a flourishing people."

Debate on a Motion offered by the Earl of Nottingham. As soon as the queen had ended her speech, she retired into a room, and, having taken off her robes, came back incognito to the House of Peers, both to hear the debates, and, by her presence, to reform any laws, that might arise; which however, nearly none observed to be unusual on the day the sovereign opens a session of parliament. The earl of Forster having made a motion for an address of thanks to the queen for her speech,

The Earl of Nottingham rose up, and very expressly set forth "The satisfaction and approbation of the late performance; which a lively representation of the danger of treating upon so precarious a foundation; urged the present engagements, which Great-Britain had entered into with the allies, to restore the entire monarchy of Spain to the house of Austria; and the necessity of carrying on the war with vigour till those engagements were made good; adding, "That, though he had a numerous family, he would readily contribute half his income towards it, rather than acquiesce in a peace, which he thought would be dishonourable to his country and all Europe." He concluded with offering a clause to be inserted in the Address of thanks, 'To represent to her Majesty, on the humble opinion and advice of the House, that no Peace could be safe or honourable to Great-Britain, or Europe, if Spain and the West-Indies were allowed to keep a much of the House of Bourbon.'

The Lord Grey, brother to the earl of Nottingham, said, "That such a chosen way brings to an Address of thanks, that, in all probability, five of the members of the House were prepared to speak to it; but that it might be debated at a more convenient time, when according to custom, the House should take into consideration the state of the nation."

He was seconded by the lord North and Grey, and another peer; and the Lord Treasurer added, "That according to the rules and order of the House, this was not the proper time to debate such a matter." Upon this,

The Earl of Wharton appealed to the House whether there were any such order; and in case of Burghes's, the most violent and parliamentary proceedings, having overruled the Treasurer's objection, the earl of Wharton proceeded; spoke with great zeal against the preliminary articles offered by France; and insisted upon the necessity of insisting on the Address the clause offered by the earl of Nottingham. He was supported by

The Earl of Sunderland, who answered the objection raised by some peers of the opposition, namely, that they were not prepared to speak to that business; "What, my lords, and be, as it possible, that any member of this illustrious house should be unprepared to debate an affair, which, for these ten years past, has been the principal subject-matter of our conversations? do not err in the least here? and are not the peers who have constantly been of opinion, and have done reputation to her majesty, that no safe and honourable peace can be made, unless Spain and the West-Indies be recovered from the House of Bourbon? Is it true, I see some new faces among us: but even that lord, who sits on the woodcock (meaning the Lord Treasurer) may well remember, that, in the late reign, four lords were impeached for having made a Partition-treaty."

The Earl of Arlington, (who, with the duke of Devon, was just come into the House, having that morning travelled above 30 miles in their return from Ireland) represented "the necessity of closing the business of the business of this expensive war, and said, they ought to leave it to her majesty's wisdom to conclude a peace, when she thought it convenient for the good of her subjects." adding, "that we might have enjoyed that blessing soon after the battle of Rolduc, if the same had not been put off by some persons, whose business it was to prolong the war."

The Duke of Marlborough, who could not but perceive that this suggestion was levelled against him, made a long and pathetic speech, wherein, among other things, he said, "he thought himself happy, in having an opportunity given him of testifying himself as constant in his party, which his enemies had so loudly and unjustly, had so his charge, before a Parliament (meaning the peers, and making a bow to the place where her majesty sat) who knowing the integrity of his heart, and the up-

rightness of his conduct, would not fail doing him justice. That he referred himself to the peers, whether, whilst he had the honour to serve her majesty, as general and plenipotentiary, he had not conscientiously informed her, and her council, of all the proposals of peace, that had been made, and had a desired instructions for his conduct on that subject? That he could declare with a free conscience, in the presence of her majesty, of this assembly, of the whole nation, and of that blessed Being, who is infinitely above all the powers upon earth, and knows all men's hearts, according to the ordinary course of nature, in what case appears, to give an account of his actions, that he ever was desirous of a safe, honourable, and lasting peace; and that he was now as far from any design of prolonging the war, for his own private advantage, as his enemies had most falsely insinuated. That he advanced age, and the many fatigues he had undergone, made him extremely weak for retirement and repose, to that of attaining the remainder of his days, the which, because he had not the least motive to desire the continuance of the war, having been so generously rewarded, and had honours and riches heaped upon him, far beyond his desert and expectation, both by her majesty and her parliament. That he thought himself bound to this public acknowledgment to her majesty and her country, that he should always be ready to serve them, if he could but stand along, to obtain an honourable and lasting peace: but that, at the same time, he must take the liberty to declare, that he could, by no means, give into the measures that had lately been taken to enter into a negotiation of peace with France, upon the foot of the former preliminary articles; for, he was of the same opinion with the rest of the allies, that the safety and liberties of Europe would be in imminent danger, if Spain and the West-Indies were left to the House of Bourbon; which, with all humility, and as he thought himself in duty bound, he had declared to her majesty, when he had the honour to wait on, after his return from Holland: and, therefore, he was for insisting on the Address the clause offered by the earl of Nottingham."

This speech, delivered with a most lovely concert, had the greater weight, as it was supported by the lord Cowper, the bishop of Senez, the lord Halifax, and some other peers. On the other hand, the lord North and Grey and some other otherwise courtiers said, That, since peace and war belonged as prerogatives to the crown, it was not proper to offer any advice on those matters, until it was asked, but this was rejected with indignation, since it was a constant practice, in all instances of parliament, to offer advice; as prerogative could be alone advised; that was the end specified in the writ, by which a parliament was summoned, nor was the motion for a delay received. The eyes of all Europe were upon the present session, and this was a point, in it was so, then, should come to a present resolution, in a manner such important.

The *Clarendon* is agreed to by the Lord.] The debate (in which the tables of blarney and blarneying were reversed) to be later on nothing, the question was put. Whether the rest of Nottingham's address should be part of the Address? and the previous question being first put, it was carried by a large majority that the point was granted, though by a small majority.

It was expected that the court-party would the next day have the majority, by means of the persons which eight years ago had over to the Duke of Hamilton and the Earl of Mar. Wherefore, when the Address of the Lord was reported to the House, by the committee appointed to prepare it, the court tried to get the whole matter to be considered over again, pretending that the debate was not over, upon the matter, debated the day before, but only whether they should agree to the draught, proposed by the committee: but that part of it, which contained the advice, was considered as the very matter, in which the vote had passed, and it was a standing rule, that what was considered, could never again be brought into question during that session. This was to ensure a rule, that many of those, who voted with the court the day before, expressed their indignation against it, as violating the very convention of parliament, if things might be discussed and reversed again, from day to day: but even upon this a division was called for, but the majority appearing so strongly against the motion, it was carried, without dividing the House.

* "Dec. 7. This being the day the parliament was to meet, and the great question to be determined, I went to Dr. Ford's to dine in the city, on purpose to be out of the way, and we went our prander to see what was the face; but he gave us a most melancholy account of things. The Earl of Nottingham's language, and spoke against a peace, and desired that in their Address they might put in a Clause to advise the queen not to make a peace without Spain; which was debated, and carried by the Whigs by about six voices; and this has happened entirely by my Lord Treasurer's neglect, who did not take much care to make up all his strength, although every one of us gave him caution enough. Nottingham has certainly been misled. The question is yet only carried in the committee of the whole house, and we hope when it is reported to the House to-morrow, we shall have a majority by some Scots lords coming to town. However, it is a mighty blow and loss of reputation to Lord Treasurer, and may end in his ruin. I hear the thing only as the minister brought it, who was at the debate; but how the majority take it, or what their hopes and fears are, I cannot tell and I see them. I shall be early with the Secretary to-morrow, and then I will tell you more, and shall write a full account to the bishop of Exeter to-morrow, and to the archbishop of Dublin, if I have time. I am heartily drawn up against the King to-morrow."

The Lord's Address.] December 11. The Lord's Address on the queen with three Additions, which was as follows: "We your Majesty's most dutiful and loyal subjects, the Lord Treasurer leaves this, and what remains to be done."

"Dec. 11. I was early that morning with the Secretary, and talked over the matter. He hoped, that when it was reported that day in the House of Lords, they would disagree with their own committee, and so the matter would go off only with a little loss of reputation to Lord Treasurer. I dined with Dr. Clarkson, and after a French member came in, and told us that the House was divided against the court in the House of Lords about two to one; I went immediately to Mrs. Medley, and meeting Dr. Arbuthnot (the queen's attending physician) we went together. She was just come from waiting at the queen's dinner, and going to her own. She had heard nothing of the thing being gone against us. It seems Lord Treasurer had been so negligent, that he was with the queen while the question was put in the house; I immediately told Mrs. Medley, that either she and Lord Treasurer had gone with the queen to keep us, or that they two were betrayed by the queen: she protested indignantly it was not the former, and I believed her, but she gave me some light to suspect the queen was going from the house, where she sat to hear the debate, the Duke of Devonshire, Lord Chamberlain, called her, whether he or the great chamberlain Lighter might to lead her out; she answered them, 'Brother of you!' and gave her hand to the duke of Somerset, who was leader then up in the House for the crown against Peace. She gave me one or two more instances of this sort, which convinced me that the queen is false, or at least very much wavering. Mr. Medley begged us to stay, because Lord Treasurer would evil, and we were resolved to tell on him about his negligence in securing a majority. He came, and appeared in good humour as usual, but I thought his countenance was much cast down. I called him, and desired him to give me his staff, which he did; I told him, if he could believe it or a delusion, I would at all night be called, then I said, I would immediately call Lord Marlborough, his two daughters, the Duke and Duchess of Somerset, and Lord Bolton, and tell us of all their complaints; and I believe he had not a friend but was of my opinion. Arbuthnot asked, How he came not to secure a majority? He could answer nothing, and that he could not help it, if people would be so delusive. A poor answer for a great minister. There fell from him a very free expression, that 'the hearts of kings are unsearchable.' I told him, it was what I feared, and was from him the worst news he could tell me. I begged him to know us all we had to trust in; he shook a little, but at last he did not say, for all would be well, if I should have had

Lord Spiritual and Temporal in parliament assembled, do, with breath full of gratitude and loyalty to your sacred majesty, beg leave to

present a list where he was, but he would go home, it was just say he made me go home with him. There we found his brother and Mr Secretary. He made us take a list of all in the House of Commons who had places, and yet voted against the Crown, in such a manner as if they should lose their places. I doubt he is not able to compass it. This is a long journal, and of a day that may produce great alterations, and toward the ruin of England. The Whigs are all in triumph, they thought how all this would be, but we thought it best. Nay, they said the parliament should be dissolved before Christmas, and perhaps it may; this is all your dear darlings of Somerset's doing. I wanted them of it some months ago, and a hundred times more: the Secretary always denied it. I told Lord Treasurer, I should have the advantage of him; he to would lose his head, and I should only be hanged, and so carry my body alive to the grave.

"Dec. 8. I was this morning with Mr. Secretary: we are both of opinion that the queen is false. I told him what I heard, and he confirmed it by other circumstances. I then went to my friend Loring, who had went to see me. He talks of nothing but relating to his estate in Wales. He gave me reasons to believe the whole matter is settled between the queen and the Whigs, he says that Lord Somers is to be Treasurer, and besides, that sooner than turn out the doctors of Somerset, he will dissolve the parliament, and get a Whiggish one, which may be done by managing elections. Things are now in the air, and a day or two will determine. I have desired him to engage Lord Treasurer, that as soon as he feels the change is resolved on, he will send me abroad as queen's secretary somewhere or other, where I may remain till the new ministers recall me; and then I will be sick for five or six months till the storm has spent itself. I hope he will grant me that; for I should hardly trust myself to the mercy of my enemies while their anger is fresh. I dined to-day with the Secretary, who affects earth, and seems in hope all will yet be well. I took him aside after dinner, told him how I had served them, and had asked no reward, but thought I might ask security, and then desired the same thing of him, to send me abroad before a change. He embraced me, and swore he would take the same care of me as himself; for but had no more courage, for that in two days we Lord Treasurer's wisdom will appear greater than ever, that he suffered all that had happened on purpose, and had taken measures to turn it to advantage. I said, God send it; but I do not believe it possible, and as far as I can judge, the game is lost. I shall know more soon, and my letters will at least be a good history in themselves the stage of this change."

mean your majesty our most humble and hearty thanks and acknowledgments for your majesty's most tender and affectionate care for all your people, expressed in your majesty's most gracious speech from the throne, and for imparting it to your majesty's desire of ending this present war, by a peace advantageous to your subjects, and just and honourable for your majesty and all your allies; as also for your majesty's expressing so particular a regard for the interest of the States General, as inseparable from your own; and that your majesty is graciously pleased to assure us, it is your chief concern, that the Protestant religion, and the laws and liberties of these nations, may be continued to your people, by securing the succession to the crown, as it is limited by parliament, to the House of Hanover; and that your majesty is pleased to show us just a resolution to procure a satisfaction for all the allies, being by treaties entitled to have their several interests secured at a peace, and to assist them in the strictest engagements, in order to render the peace secure and lasting.—And we do beg leave to represent it to your majesty, as the humble opinion and advice of this house, that no peace can be safe or honourable to Great Britain, or Europe, if Spain and the West Indies are to be allotted to any branch of the House of Bourbon."

The Queen's Answer.] Her majesty gave this Answer:

"My Lords: I take the thanks you give me kindly. I should be sorry any one could think I would not do my utmost to recover Spain and the West Indies from the House of Bourbon."

Protest presented by the Address.] On the

"Dec. 22. I was this morning with Loring, who thinks they will let the parliament sit till they have given the money, and then dissolve them as before, and break the money. He spoke to Lord Treasurer about what I desired him. My lord desired him with great earnestness to assure me, that all would be well, and that I should fear nothing. I dined in the city with a friend. That day the Commons went to the queen with their Address, and all the Lords who were for Peace went with them, to show their zeal." *Swift's Journal.*

"When that Address was curried, it is not easy to describe the effects it had upon most men's persons. The pictures of the old country triumphed loudly, and without any reserve, as if the game were their own. The earl of Wharton was observed in the house to smile, and put his hands to his neck when any of the money was speaking, by which he would have it understood that some heads were in danger. Pardon the chief justice, began already with great zeal and officiousness to prosecute authors and printers of weekly and other papers, with violence of the administration—in short, joy and vengeance set visible in every countenance of that party."

Swift's True Love Letters.

"The very doubtful Address is what I returned from the read and reply of such in House of Commons—I return you not known that's for the confidence you have in me. I earnestly rely upon your assistance, and you may depend upon my efforts, and care for your contentment."

It does on the Duke of Hamilton's Case, as the title of Duke of Brandon. Dec. 10. The date of Hamilton, one of the 18 peers for Scotland, having some months before been created a peer of Great Britain, by the solemn title of Duke of Brandon, and while making a covert allusion against his person, and now claiming a place, is that title, in the House of Peers, many lords, who apprehended no real danger to the constitution, from the admitting into their House a greater number of Scotch peers than were agreed to by the Union, upon a due consideration of the propriety of parties were paid by Scotland, resolved to oppose the said claim. However, a motion was made for taking that matter into consideration, which was there unavailing; but after a few speeches the debate was adjourned to the Wednesday following. Some court-lords, who were sensible that the increasing of this House would strike at the great prerogative, made then they a motion for adjourning, but it was carried by a majority of 3 only, that they should go on with the resumed debate about the Duke of Hamilton's wrong in the House as Duke of Brandon. However, after some time spent therein, the leader in opposition of that House was put off all the while.

[*Bill of Occasional Conformity brought in by the Earl of Nottingham.*] Dec. 13. The Earl of Nottingham having brought into the House of Peers a Bill for governing the Protestant Religion, by better securing the church of England as by law established, and for regulating the Education granted to Protestant Dissenters, by an act entitled, "An Act for exempting those dissenting Protestant subjects, dissenting from the church of England, from the penalties of certain laws, and for supplying the public schools; and for the further securing the Protestant Dissenters by requiring the governors of the law, in North Britain, to take the oath, and submit for the declaration thereof mentioned." His lordship was backed by the lords of Northampton and Wharton, and several other lords: so that the Bill was moved and read the first time, without any opposition. The Wednesday following, after the second reading of the Bill, the Lords took the same into consideration, in a grand committee, and having made some amendments to it, ordered it to be engrossed. The next day the Bill, having passed the House of Lords, was sent down to the Commons, who read it immediately the first time, and passed a second reading the next day. On the Thursday a Petition was offered to the House on behalf of the Dutch and French Protestant churches, praying that they might be exempted from the

restraints laid by the Bill on English Dissenting congregations. On the question being put, that the Petition be brought up, it passed in the affirmative; after which the Commons, on a consideration of the whole House, (which that morning was very dry) took several amendments to the Bill. These amendments being immediately reported and agreed to, the Bill was then sent back to the House of Peers, who, the next day, sent down a message to the Commons to acquaint them, that they had agreed to those amendments.

The Earl of Nottingham composed of a printed Speech, written by Dr. Sayer, Dec. 18. A Complaint being made to the House of Lords, of a Paper printed and published, contrary to a standing order of this House, entitled, "The Earl of Nottingham's Speech to the Honourable House of Lords; London, printed by J. Tutton, near Covent Garden, 1711." And the said title being sent to a Committee was appointed, to inquire who is the author, printer, and publisher of the said paper.

On the 12th, the Duke of Devonshire appeared from the said Committee. "That their lordships find the said Paper to be false and scandalous, and printed by a sham name; and that, by the oath of Sarah Vickers, it appears to have been passed by Andrew Hard, living in French-street-Church, near Fleet street. And that it is the opinion of the committee, that the House be moved, That the said Andrew Hard be taken into the custody of the Gentlemen Usher of the Black Rod standing this House." Which said Report being read, and agreed to, Hard was accordingly ordered into custody; where he remained until the 10th of January, when upon petitioning their lordships, he was discharged."

"Lord Nottingham, a famous Tory and Spectator, began over to the Whig table. They treat him daily, and Lord Winchelsea says, 'It is damned for they call him down for being.' 'I will care England at last.' Lord Treasurer was having as if he wished a battle was made on him, and I will get up and against to answer." South's Journal to Swift, Dec. 3, 1711—"I was this morning making the battle was dangerous above Great Britain, then closed with our anxiety. The printer came before us, printed, and brought the battle, which made them laugh very heartily a dozen times." Ibid, Dec. 4.

"There was printed a Gracious speech of Lord Nottingham; and he was such an owl in composition of it in the House of Lords, who have taken up the printer for it. I heard at Court, that Walpole, a great Whig member, said, that I and my whigged club were at our of our meetings, and that I should pay for it. He will find me here; and I shall tell him how by a third hand my thoughts of him." Ibid Dec. 18.

The Bill was as follows.

Debate concerning the Duke of Hamilton's Patent] Dec. 30. The Lords resumed the adjourned debate concerning the duke of Hamilton's claim to sit in that assembly, as duke of Brandon, by virtue of his late patent: the question being, *may in the House*. After having passed in the law, for the queen, the Duke of Devon, and the Duke of Hamilton, had been heard, several speeches were made on both sides, so that the debate lasted till near 4 o'clock in the evening, when the question was put, Whether the 23 Judges should be excluded *per se*? Which being carried in the Negative by 14 voices, Provers included, another question was put, Whether Scotch peers, created peers of Great Britain since the Union, have a right to sit in that House, which was also carried in the Negative by 5 voices, *viz.* Countess of Mar, Countess of

Protest thereon.] On which occasion was entered the following Protest:

"*Discontent.*" 1. Because, as we apprehend by this resolution the prerogative of the crown in granting patents of honour, with all privileges depending thereon to the peers of Great Britain who were peers of Scotland at the time of the Union, as well as the right of the duke of Brandon to sit and vote in parliament, are taken away; and that prerogative of the crown and right of the duke depending upon the construction of an act of parliament, though equalled, by order of the House, were heard at the bar, and all the judges were ordered to attend at the same time, yet the opinion of the judges was not permitted to be asked touching the

construction of the said act of parliament.—2. Because the prerogative of the crown, as we conceive, in granting patents of honour, with the privileges depending thereon, ought not, on the construction of any act of parliament, to be taken away unless there be plain and express words to that purpose in the said act.—3. And we conceive there are no such plain and express words for that purpose in the said act of Union.—4. Because, by the resolution, all the peers of Great Britain, who were peers of Scotland at the time of the Union, are supposed to be incapable of receiving any patent of honour from the crown, by virtue whereof they may be entitled to the privileges of sitting and voting in parliament, and voting on the trial of peers, which we conceive, is repugnant to the fourth Article of the act of Union, which declares the privileges and advantages which do or any belonged the subjects of either Kingdom, except where it is otherwise expressly agreed in those Articles, in which we apprehend there is no such provision.—5. Because the duke of Queensberry, in all respects, is the same case as the duke of Hamilton, was excluded, not and voted within leave in matters of the highest importance in two several parliaments, as duke of Dorset, by virtue of a patent passed since the Union; and as consequence of such sitting and voting, his vote in the election of peers of Scotland was rejected; and as a further consequence thereof the managers of Latham was removed from his seat in the House, which he had undeniably title to, if the duke of Queensberry's patent as duke of Dorset

AN INTERESTING NEW STORY.

Being the interesting Speech of a famous Orator against Peace.

An Orator descend of Nottinghamshire,
Who has forty years let out his residence to hire,
Out of road for his country, and want of a place,
Is come up, as at arms, to break the queen's peace.
He has composed an old speech, and the court, to
their delight,

Shall hear him language against Peace to-morrow.
When come he begins, he never will finish,
But speaks the same note a whole day, like a
lark.

I have heard all the speech repeated by Hapay,
And, "Mistaken to protest, For obtained a copy."

THE SONGERS.

Whereas, notwithstanding, I am in great pain,
To hear you not making a peace without Spain,
But, most in this nation, it is a great shame,
That should be a peace, while I am not at home.
The duke should see all his fine beauty; and the
duchess

From her closet brought out a full parliament
chamber.

I took't all of a piece, and they both gave a start,
His grace came by Queen, and he gave a bill a heart.
My long old forehead peeped was generally
throughout.

And soons: I am sure, for a peace, I'll be done'd.

But some will say forward, and up up old
shells.

Now I always proposed to be for the Duke.

I know; the Terms were in my good grace,
Till all my relations were put into place,
But, still I'm on principle ever the same,
And will quit my bed to make, while I'm not at home.

Then I and some others collected our names
To a plot for expelling my master King James,
I withdrew my subscription by help of a hint,
And so might decrease or gain by the plot.
I had my advantage and stood at defiance,
For I might not put down the duke of the Duke.
I came on without danger, and was I to blame?
For, rather than hang, I would be not at home.

I agree to the queen, that the peers of Hamilton
During her second life, would never come near a
touch me, I'm sure, that "as for to drive
Vice like dragons, but command always on sight."
But, when I thought proper, I alter'd my note,
And as I was coming I softly did vote,
That for a peace, I should be great lord of a house,
And much less an old or a young couplet
For this, I would have put all in a flame,
Because, for some reason, I was not at home.

Now my new resolution have brought me about,
And I'll vote without peace, with Spain or without;
Though I'm sure, great day in place, and I'm sure,
And I'm sure,

And all my whole family place, by decree;
I know, I know, I know, I know, I know, I know,
And I'll pay, I'll pay, I'll pay, I'll pay, I'll pay,
I'll pay, I'll pay, I'll pay, I'll pay, I'll pay,
And I'll pay, I'll pay, I'll pay, I'll pay, I'll pay,
I'll pay, I'll pay, I'll pay, I'll pay, I'll pay,
And I'll pay, I'll pay, I'll pay, I'll pay, I'll pay,
And I'll pay, I'll pay, I'll pay, I'll pay, I'll pay,

had not given him a table sent, and vote in the House.—B. Because by this resolution, the papers Scotland are retained to a worse condition, in most respects, than the manner or past removal of subjects.—B. Because, we cannot see this resolution may be construed to be a violation of the treaty between the two nations (Signed) Wexham, Ormsod, Baltimore, Chatham, Oxford and Marlborough, Boyle, Ryndel, Hesse, Sherrin, Blanche, Radlett, Harcourt, C. S. Howe, New, London, Orlans, Scotland, Isle, Orkney."

REPORT OF THE COMMISSIONERS FOR EXAMINING AND VOUCHING THE PUBLIC ACCOUNTS—*of the Duke of Marlborough's Accounts—And the Affairs of the Army*; December 13 Mr. Lockhart, from the Commissioners for vouching, examining and noting, the Public Accounts of the kingdom, reads a Report of some Particulars, which they have discovered in their Examinations, relating to the Affairs of the Army; which he read in his place; and afterwards delivered in at the clerk's table where the same was read, as follows:

"Your Commissioners humbly represent, That though they have used their utmost application in taking and examining the Public Accounts, yet they are unprepared to offer any precise state of the particular Particulars of the Revenue to the House; but will endeavour to lay before you, after the receipt, a general Account of the Receipts and Issues of his Majesty's exchequer for the current year 1711; which they hope, as all well, for the present, be reported from them; as well as regard to the Particulars of the Particulars have been engaged in this work, as of the great variety and extent of it, they beg leave also to observe, that many of the accounts are not yet completely brought before them; particularly those of the Army, which are very large and voluminous.

"But as the course of their Examinations relating to the Affairs of the Army, they have already discovered some Particulars, which they conceive highly detrimental to the public, as a matter as they are obliged to report to you. In obedience to the order of your order, at Tuesday the 11th instant, your commissioners have printed a State of several Particulars, which with their observations and proofs, they humbly offer to the wisdom and justice of the House.

"Your commissioners having passed to taking, that there had been some Mismanagement in making the contracts for the use of the Army, continued, and extended, for the most of the Month, the Contractor for the Bread, and Bread-Waggons, in the Low-Countries, &c. has, after expressing much remorse on the apprehensions he had not being thought an inferior end of securing a great sum, did depose

"That for the years 1707, 1708, 1709, 1710, and 1711, he had been solely, as a partner, concerned in the contracts for supplying Bread, and bread-waggons, to the forces in the Low Countries, in the queen of Great Britain's army; and that he gave of the Duke of Marl-

borough, for his own use, as such contract, the several sums following: part of which was paid at the beginning, and part at the end, of each respective contract, in his account delivered by the deponent into the Duke's own hands; viz. for the year 1707, 60,000 guineas: for the year 1708, 60,000 guineas; for the year 1709, 60,000 guineas and 10 shillings; for the year 1710, 60,000 guineas and 10 shillings; Total, 240,000 guineas and 40 shillings and 8 pence; for the year 1711, 60,000 guineas, which sum is, in part of a like sum with those above-mentioned, intended to be paid at the end of the contract for this year: That he was obliged to allow freely, during the time of his being contractor, 12 or 14 per cent, upon the Duke of Marlborough: That during the time of his being contractor, as averted, he gave on each such contract, a gratuity of 300 guineas to Mr. Carden, and Secretary to the Duke of Marlborough: That for the money he received of Mr. Sweri, deputy paymaster at Amsterdam, he was obliged to pay 12 per cent: that the former contractor, Machedo, did the same; and that he represented the Duke of Marlborough with the deduction of 31 per cent.

"He further deposed, That it appeared by the accounts of Antonio Alvarez Machedo, who had been a contractor before him, and had supplied the bread, and bread-waggons, to the forces in English pay, for the years 1708, 1709, 1710, 1711, and 1712: That he, the said Machedo, had paid each year yearly sum to the Duke of Marlborough, during the time of his being contractor, as the deponent has more done.

"From whence it appears, that the Duke of Marlborough has received, on account of the bread, and bread-waggons contracts, from Antonio Alvarez Machedo (including of a sum already paid, and what is intended to be paid, for that present year 1712, to be the same with that of the preceding year, 1711,) 240,000 guineas and 40 shillings, from Antonio Alvarez Machedo, during the five years he was contractor, the like sum, which together make 480,000 guineas 40 shillings, and computed at 10 guineas 10 shillings in the pound sterling, amounts to 480,000 £ 20 2d.

"Some time after this Evidence was given by Antonio Alvarez Machedo, your commissioners received a letter from the Duke of Marlborough by the hands of James Cragg, esq. wherein the Duke charges your commissioners, that when they make their Report they would lay down facts before the parliament in a true light, and that justice they think they cannot do, as they are in his grace's own words

"Gentlemen; Report, Nov. 18, 1711.

"Having been informed upon my arrival here yesterday, that Antonio Alvarez Machedo had acquainted you with my last up received several sums of money from him, that I might make the true impression upon you, I would have no time in leaving you know, that there is no more done than has been already

as a purveyor to the general or commander in chief of the army in the Low-countries, both before the declaration and since; and I do assure you, at the same time, that whatever sum I have received on that account, has not only been applied for the service of the public, in keeping secret correspondents, and getting intelligence of the enemies' motions and designs; and it has fallen so short, that I take leave to acquaint you with another article that has been applied to the same use, and which arises from her Majesty's warrant wherein she inclined to a step, though she does not properly relate to the public accounts, being a free-gift from six foreign troops. You will have observed, by the several establishments, that before the late king's death, when the parliament voted 40,000 men for the guards of England in the Low-countries, 21,814 were to be foreigners, and the rest English; for the last they give 12,000*l.* a year for intelligence, and other necessary uses, without account, but by means being made, by the express order of the last war, that this sum would not any way answer that service, and being one that is applied for every year to the parliament, he was pleased to order, that thenceforward it should contribute 2*l.* per cent towards it, and I being then his ambassador and commander in chief abroad, he directed me to propose it to them, with an assurance that they should have no other stoppage made from their pay, till they readily agreed to, and his Majesty was afterwards pleased to confirm it by her warrant, upon my representing her with the use it was intended for, and it has accordingly been applied from time to time for intelligence and other service, with such success, that next to the blessing of God on the bravery of our troops, we may, in a great measure, attribute most of the advantages of the war to the country in the timely and good advice procured with the help of this money. And now, gentlemen, as I have laid the whole matter very fully before you, and that I hope you will allow, I have served my queen and country with that zeal and fidelity, which becomes an honest man, the favour I am to interest of you, is, that, when you make your report to the parliament, you will lay this part before them in its true light, so as that they may see the necessity and importance of part of the war has been provided for and carried on without any other expense to the public than the 12,000*l.* a year, and I flatter myself that, when the motions of the army in Flanders come under your consideration, you will be sensible the service on this side has been carried on with all the economy and good husbandry that was possible. I am, Gentlemen, &c. MARRINGTON.

ANNO R.

Right honour, and right well-beloved counsellor and commander, we greet you well. Whereas, pursuant to the direction you have received in that behalf, you have agreed with the persons

authorised to treat with you for the taking into our service a certain number of foreign troops, to act in conjunction with the forces of our allies, that there be reserved 2*l.* per cent out of all moneys payable to, and for the said troops, as well for their pay and other maintenance, as for any other account, towards defraying such extraordinary, contingent expenses relating to them, as cannot otherwise be provided for. Now, we do hereby approve and confirm all such agreements as you have, or may hereafter make, for raising the said 2*l.* per cent, accordingly; and do likewise hereby authorize and direct the paymaster general of our forces for the time being, or his deputy, to make the said deduction of 2*l.* per cent, pursuant therunto, out of all moneys he shall be directed to pay, for the use of the foreign troops in our pay, and thenceforward to pay over the same from time to time according to such warrants, and in such proportions as you shall direct; for which this shall be to you, and to all others whom it may concern, a sufficient warrant and direction. Given at our court at St. James's, the 6th day of July, 1708, and in the first year of our reign. By her Majesty's Command, L. HARRIS.

To our right honour, and right well-beloved Counsellor and Commander, JOHN, EARL of MARLBOROUGH, our Ambassador Extraordinary, and Plenipotentiary, in the name of General of the United-Provinces, and Captain-General of our Lands-Armes.

Your Commissioners having thought themselves obliged to treat the lower and warmer of large, kindly conceive it will be expected that they should make some observations upon them, as to what the reason relates to the evidence of Mr. Solomon de Meuron, his grace has been pleased to relate it in general, but with this distinction, that he claims the money reserved, as purveyor to the general in the Low-countries.

On which your Commissioners observe, that so far as they have hitherto been capable of inferring themselves as to the constitution of the army, the great sums, which appear to have been annually paid to the debt, on account of these contracts, can never be conceived legal or reasonably proper.

For they do not find, by the strictest enquiry they can make, that any other English general in the Low-countries, or elsewhere, ever claimed, or received such purveyor; but if any instance should be produced, they fully apprehend it will be no justification of it, because the public or the troops must necessarily suffer in proportion to wars, such purveyor; and how miserable the practice is to that contrary and good husbandry such which the services Flanders is used to be carried on, remains yet to be explained. By the account his grace is pleased to give, that the money has been constantly employed for the service of the public, it must be expected, that he will

quies his right in this pretended promise, as that he has been waiting to himself as concerning no grant or instance of his own generosity to the public.

"The great caution and secrecy with which this money was necessarily reserved, gives reason to suspect that it was not thought a justifiable proposal, viz. Mr. Lumsden, the duke's secretary, and auditor of the fiscal-account, has declared on oath, that he never knew or heard of any such promise, until the late removal of Mr. Lumsden de Melbourn's evidence before your Commissioners. By the contracts he framed, and has suggested, the general appears to be the author both of the contrivance; he is to take care, that the terms of the contractors are duly performed; he is to judge of all deductions to be made from, and allowance in the payments; and whether, in such circumstances, he can receive any gratuity, or participation from the contractors, without a breach of trust, your Commissioners presume not to determine. The general may with equal reason claim a privilege for every other contract relating to this army, as for those of the land, and local regiments; but his grace being silent in this, your Commissioners ought to suppose he has not reserved any such claim here, unless they should be made elsewhere; they come in none more than those contracts, which he has not been able to do, by reason the contractors are ignorant, and constantly refuse to be bound.

"As to what his grace is pleased to say in the second part of his letter, concerning the deduction of the 5 per cent. from the foreign troops in his majesty's pay, your Commissioners can only after such reasons as occur to them, on comparing what is alleged in the duke's letter, with the order of the warrant, and with the method of accounting for other payments to the army. Your Commissioners in the first place will have to observe, that the warrant has been kept dormant for 9 years, and the deduction is needed as long from the knowledge of the paymaster; for which, in their humble apprehensions, his grace has not assigned sufficient reasons.

"His grace is pleased to say, that this 5 per cent. is to be got from the foreign troops, and that it does not go to the Public Accounts. But the first of these assertions seems inconsistent, as only with the words of the warrant, which supposes and expresses an agreement, but with the rest of his grace's letter which takes notice, that he being ambassador and general, required for this very stoppage by the late king's order. Your Commissioners therefore must be all against, that a deduction so made is paid a money, and ought to be accounted for in the same manner as other public money is.

"His grace is further pleased to observe, that the 10,000 granted yearly for the contingencies of the army, is with out account, and for the use of the French forces only; whereas this money was at first intended by parliament, as your Commissioners with great submission are

perceived, for the service of the 40,000 men, without distinction. And they find it so far from having always been thought exempt from account, that in a petty and dated the 14th day of March, 1706, for passing Mr. Fox's accounts, there is a clause to release and discharge the duke of Marlborough, his commissioners, and assignors, from a sum of 1,400,000 10s. 10d part of this money, which supposes his grace would otherwise have been accountable for it. But your Commissioners do not here mean with any one of the deductions of 5 per cent and must therefore presume, the reason why it is in no way brought to an account, is what his grace is pleased to suggest, that he never considered it as public money.

"Your Commissioners must submit to the House, whether the warrant produced to justify this deduction be legal, and duly counter-signed, or whether deducting it to be so, either the stoppage, or the payment of it has been regularly made. The warrant directs, that it should be kept in the hands of the paymaster or his deputy, and issued thence by the duke's order only. But this method does not appear by the paymaster's accounts to have been at all pursued, so far otherwise, that the payments to the foreign troops were always made complete, and their receipts always taken in full without any deduction. When any part of the above-mentioned 10,000 contingencies money is drawn out of the paymaster's hands for any particular service, the general's orders, and the secretary's receipts, are the paymaster's vouchers. But Mr. Carleton, as he declares on oath, never gave any receipt for any part of this 5 per cent, nor did Mr. Bridges, as he also declares on oath, ever see any warrant for that purpose, or know any thing, is a presumption, of this deduction.—If Mr. Secret at Amsterdam, has taken upon himself to transmit the disposition of this 5 per cent, with the duke of Marlborough, your Commissioners are boundly of opinion that he ought to have transmitted constant accounts of it to Mr. Bridges, whose agent he was, and not to have negotiated a large sum of public money in a clandestine manner.—By the warrant this deduction is reserved for the defraying extraordinary contingent expenses of the troops, from whom it is stopped. And if the whole has been employed in secret correspondence and intelligence, there must have been something but of the other services for which it was originally designed; and with a disposition being in no way authorized by the warrant, is a misapplication of it. Besides, your Commissioners apprehend, that the articles of secret service, to which this deduction is pretended to have been applied, were always included in the 10,000 above-mentioned for the contingencies of the army, and, if so, the whole remains to be accounted for, which, on a computation made upon the whole sum of 11,500,000 4s. 10d paid per Brown in, and for all the foreign services, on the 12th Dec

1765, (according to the Returns of the salaries and payments) amounts to 339,365*l.* for 14— On a comparison made from the sum of 7,307,875*l.* 18*s.* 11*d.* paid to and for the foreign forces since the time aforesaid, (exclusive of Italy, Spain, and Portugal) amounts to 171,693*l.* 17*s.* 0*d.*

" Your Commissioners humbly lay before you some facts relating to the Forage-contract, (first contracted at North Briscu) made by Robert Walpole, esq. late secretary of war, pursuant to a power given him by Sidney earl of Godolphin then Lord High Treasurer of Great-Britain.

" By the rule allowed in these contracts, it appearing that her majesty had been put to an unnecessary expense above the pay of the soldiers, your commissioners thought it their duty to enquire, whether, in the part of the service, reference was had been taken to procure the most advantageous terms for the public; and being informed that John Montgomery, esq. was concerned in these contracts, they examined him, and he declared upon oath, that col. George Douglas, and himself, were assumed partners with Mr. Samuel Mackellon, and Mr. John Campbell, in the contract made by Mr. Walpole to provide forage from the middle of May, 1763, to May, 1714, for all the troops in North Briscu at 3*d.* as horse for grass, and 6*d.* for dry forage, each 24 hours.

" That the said col. George Douglas, and Mr. John Campbell, were also assumed partners with Mr. John Montgomery, in a subsequent contract, commencing in May, 1760, and ending in May, 1711, made likewise by Mr. Walpole, and at the same rates with the former.

" That the first of these contracts was made by Mr. Walpole in London with Mr. Samuel Mackellon, who before he went into Scotland told the said Montgomery, that Mr. Walpole, in making the contract, intended a share for a friend of his, who was to have the benefit of a fifth part, if not redeemed by the contractors with a sum of money; and Mr. Samuel was when, as his death-bed, at Edinburgh, declared the same—Whereupon, col. Douglas, and Mr. John Campbell, directed him, the said Mr. Montgomery, to pay 500 guineas to the said Mr. Walpole. And accordingly he delivered into Mr. Walpole's own hands a note for that sum, payable to Mr. Walpole, or order; And the said Montgomery, afterwards, paid the sum of 500 guineas to one Mr. Shaw, Mr. Walpole's agent, who gave him up the note, with the receipt on the back of it signed by Mr. Walpole. That the second contract was made by Mr. Walpole, with Mr. John Campbell; who, thereupon, directed the said Montgomery to give a voucher 500 guineas or pounds, he could not remember which, to Mr. Walpole, which he accordingly did; and made it payable to Mr. Walpole, or order; and delivered it into his own hands. This second note was left with the said Mr. Shaw, of which the said Mr. Montgomery hath paid above 400*l.*

" He further declared upon oath, That the

guineas were given by the contractors to one David Dalrymple, an accomoderator, then in commission, an Alexander Murray, was proposed, but was admitted, to be a partner in the first contract. That the earl of Leven, then master in chief of her majesty's forces in North Briscu, had 100 guineas each year, from the contractors, for regulating the quarters of the troops. That 100*l.* a year were paid to Mr. Maxwell, deputy to Mr. Shaw, for receiving the queen's bounty-money, and keeping an account of it between the queen and her officers. That the said Mr. Montgomery gave a note for 50*l.* to Mr. Taylor, chief clerk to Mr. Walpole, which is not yet paid.

" Your Commissioners cannot exactly state the loss the public has sustained by these contracts; but find, That if the forage had been purchased in 1763, and 1714, at the rates stated by the contract for the present year, there had been saved to the government more than 8,000*l.* which is near a fourth part of its whole charge.

" They do not apprehend, That the difference has arisen, altogether, from the scarcity of forage in the two last years. For captain William Fenton, of col. Kerr's regiment, has declared before them, on oath, That he agreed with the contractors to furnish green forage for his own troops, in those years, at 2*d.* as horse, for 24 hours, which cost the government 5*d.* with an addition only of 1*d.* each year, for providing extraordinary forage for the officers horses belonging to that troop; and that the contractors swore him, they had made the same agreement with other officers. Here he does protest he has been a justice to the public, is humbly submitted to the consideration of the House. (Signed) Geo. Luckhart, Hen. Berry, S. Warrington, Jas. Ansell, Tho. Lister, Will. Shapton, H. Cowper."

Ordered, That the said Report be taken into consideration upon Thursday the 17th day of January next.

The Commons adjourn to the 14th of January } Dec. 22. The queen being undressed, the lord-keeper, the lord-provosts, and other lords, were commissioned to pass the lord's bill for 4*s.* in the grand, which was ready for the royal assent, with the bill against Occasional Conformity. After which, the Commons adjourned to the 14th of January, which was a long recess at so critical a time.

The Lords' Address concerning the Peace } Before the Lords adjourned, a message was made by the duke of Devonshire, his leave to bring in a Bill to give the Electoral Prince of Hanover, on duke of Cambridge, the precedence of all peers; which was granted, and as it is likely to meet with no opposition. The earl of Nottingham moved next, then, before their recess, they should make an Address to the queen, desiring,

" That her majesty would be pleased to give orders to her plenipotentiaries, to con- sider with the ministers of her allies in Holland, whether the expediting of the business, that they

might concert the necessary measures to preserve a strict union amongst them all, the letter is obvious, the given and prepared by her majesty, for procuring to them all just and reasonable satisfaction, and for rendering the peace more secure and lasting, which could only be effected by a general guarantee of terms of the peace to all the allies, and of the Protestant Succession to these kingdoms, as settled by act of parliament."

All the opposition, which the Court made to this, was to show that it was needless, since it was already ordered, and the Lord-Treasurer said, that the Lords ought, in order to their satisfaction, read to examine their petitions. To this, it was answered, That the offering such an Address would satisfy the plenipotentiaries, in increasing their satisfaction. The Court agreed, these words might be presented the Address, "in case her majesty had not already given such orders," which being agreed to, the Address was presented on the 25th of December, and the Lords assented no longer than the 2d of January, which, as well as the Address, was no small surprise to the queen and her ministers.

The Duke of Marlborough turned out of all his employments as *provincer of Hestery*.] During the process it was, that the duke of Marlborough was discharged from all his employments. "In order to this," says Trudel, "all the methods, that violence and every could invent, were used to make him appear criminal. But the discoveries made by the Commissioners for examining the Public Accounts, were made the meritorious cause of his disgrace. Sir Solomon Broderick, a Jew, concerned in the contract for furnishing bread to the army in Flanders, made a present yearly to the duke of Marlborough of between 2 or 3,000*l*. The general of the Siles, it is said, had the like present, as a recompense to support his dignity, and to enable him to procure intelligence. The queen ordered 10,000*l*. a year more to the duke of Marlborough for the same service. King William had also agreed, that 2½ per cent. should be deducted out of the pay of the foreign troops, which amounted to 15,000*l*. Thus the queen had by a warrant appointed the duke of Marlborough to receive on the same account.

"The duke having heard, while he was hospitalized, that the Commissioners had discovered the present made him by the Jew, sent such a letter, on the 18th of November, N. S. from the Hague, where he was seated the whole matter to be considered; and added, he had applied these sums to the procuring good intelligence, to which, next to the blessing of God on the bravery of the troops, their constant success

were owing. This did not satisfy the Commissioners; but, though no complaints were brought from the army of their not being constantly supplied with good bread, yet, they were here was easier to raise a clamour against the duke, which they shortly spread it. Accordingly, the Commissioners reported these things to the House of Commons, on the 21st of Dec., the day before their report, and the next day, pursuant to an order of the House, Mr. Shippen, one of the Commissioners, laid before them: First, the deposition of an *halibute*, *de Michin*, knight, pouring great sums of money taken by his grace John duke of Marlborough, Adam Cockfield, esq., his grace's secretary, and others, on account of the contracts for supplying bread and bread-waggons to her majesty's forces in the Low-Countries. Secondly, capt. William Preston's Deposition about forage in North Brabant. Upon this the duke of Marlborough's Letter, which he had sent in vindication of himself to the Commissioners, was, by his order or contrivance, published in the Daily Courant of the 23rd of December. The letter having made an impression in his favour on the minds of many persons, the Report of the Commissioners was, by way of Answer, printed at large two days after; and the next day, the 26th of December, the queen declared in council, "That, being informed an information against the duke of Marlborough was laid before the House of Commons, by the Commissioners of the Public Accounts, she thought fit to discharge him from all his employments, that the matter might take an impartial examination." This declaration was entered in the Court-Books; and the day following it was sent to the Duke, by a Letter under her own hand, "That her intention was to remove all the employments she had intrusted him with; complaining, at the same time, of the treatment she had met with." Thus appears from the Duke's Answer, which he sent by the countess of Sunderland, out of his daughter.

"Madam, I am very sensible of the honour your majesty does me, in discharging me from your service by a letter of your own hand; though I find by it, that my enemies here have been able to prevail with your majesty to do it, in the manner that is most injurious to me. And, if their malice and bad influence against me had not been more powerful with them, that the consideration of your majesty's honour and justice, they would not have been so ready to compute the removal of my discharge to a false and malicious conversation, contrived by themselves, and made public; when there was no opportunity for me to give in my answer; which, they must needs be conscious, would fully direct the falsehood and calumny of their aspersions, and not leave them that handle for bringing your majesty to such extremities against me—But I am much more concerned at an expression in your majesty's letter, which seems to condemn of the treatment you had met with. I know how hard to asperse that word, nor what

"Dec. 21. The Lords made yesterday two other votes about peace and Hanover, of a very angry kind, to vex the ministry, and they will meet again by a fortnight than the Commons; and therefore, are now preparing some knowledge Address." *Stall's Journal*.

"consent to make of it. I have I have
 "always endeavored to serve your majesty
 "most fully and exactly through a great many
 "undiscovered misadventures. But at your ma-
 "jesty's death, by that misadventure, to God
 "be it with out any coming to the contrary, con-
 "sidering the very state of Great-Britain, and my
 "duty to your majesty and my country, could
 "not give me time to give the command of
 "a man, who in my opinion gave your majesty
 "by upon all manner of consideration. And it is
 "not my duty only, but the opportunity of my
 "being, that the friendship of France must needs
 "be destructive to your majesty, there being
 "in that court a sort of men, unconquerable
 "to your majesty's goodness, and the obedi-
 "ence of their kingdom. I could never myself
 "ever have had the want or intention of a
 "reign, as I have always endeavored to ap-
 "prove myself to you. I am with the greatest
 "duty and affection, Madam, your majesty's
 "most dutiful and obedient subject, Man-
 "chester."

"The removal of the duke of Somerset
 was thought very extraordinary, after such long
 and constant services, and was so little expect-
 ed, that those, who looked for precedents,
 could find none since the disgrace of Beaufort
 in Somerset's time. The only thing pretended
 because it was, his being considered as the
 head of those, who opposed the peace, on
 which the court seemed to set their hearts."

"A Resolution to remove the Duke of Somerset,
 put off. The duke of Somerset continuing
 to oppose the schemes of the new ministers,
 it was also resolved, on a consultation about the
 middle of December, to remove him.* But
 the great friendship between the queen and
 her dukes (who was grown of the state, and
 first lady of the bed-chamber) prevented that
 resolution from being then put in practice.
 The duke was not removed till the 20th of
 January, and, though resolutions were made to
 the contrary, his ducal was by the queen
 continued in her place, which she offered to
 resign."

The duke of Marlborough's disgrace was
 attended with other removals, and made way
 for several promotions. The duke of Ormond,
 with the first regiment of foot-guards, was ap-
 pointed commander in chief of all the forces
 in Great-Britain, and soon after, upon the de-
 part of Somerset's refusal to come and the queen's
 friends in Parliament, captain general of all her
 forces at home and abroad. The earl Rivers

"* December 23. Sunday night. I have
 looks upon my letter, and told it to the lan-
 guage to let you know, what we are all with,
 the queen has made no less than 20 lords to
 have a majority, some new ones, the other
 three peers only, and I have turned out the duke
 of Somerset. She is weak at heart, and only
 Lord Treasurer. I want nothing more but to
 see the designs out. But we shall do what-
 ever her. We are all extremely happy." *Scot's
 Journal.*

was made master-general of the ordnance, and
 colonel of the royal regiment of horse-guards.
 The duke of Newcastle was appointed captain
 of the band of pensioners; and brigadier Hal-
 lingham of the Tower, in the room of lieut-
 enant-general Cadogan. The creation of
 new peers was in a single session, and of the
 duke of Marlborough's daughters, resigned their
 places of ladies of the bed-chamber.

Their new Peers created. The ministry,
 finding the majority of the House of Lords
 could not be brought to favour their designs,
 resolved to make an experiment, which was
 at our present had reserved as in former times.

A resolution was taken up very suddenly of
 making twelve peers all at once, which was ac-
 cordingly done on the last day of December,
 by calling up by writ to the House of Lords
 James lord Campbell, eldest son to the earl of
 Northampton, and Charles lord Bruce, eldest
 son to the earl of Ailesbury, and creating by
 patent two new peers of Great Britain; George
 lord, or lord Dupha, of the kingdom of Scot-
 land, the lord-cremator's son-in-law, being
 11th, of Bedlam in the county of North-
 ally, the lord-cremator's brother of Ireland, being
 Marquis, of the Isle of Wight, in the county of
 Southampton; Henry Paget, son to the lord
 Paget, being Baron, of Down, in the county
 of Bedford, or *Baron Mount*, being Mar-
 quis, of Margate, in the county of Gloucester, as
 Thomas Widdowbury, being Marquis, of
 Hildesheim, in the county of Warwick; as
 Thomas Trevor, being Trevor, of Bromley,
 in the county of Bedford, George Grenville,
 being Lordship, of Hildesheim, in the county
 of Devon; Samuel Mordaunt, being Mar-
 quis, of Oates, in the county of Essex, Thomas
 Foley, being Foley, of Hildesheim, in the
 county of Worcester, and Allen Hudson,
 being Baron, of Hildesheim, in the county
 of Bedford. Sir Miles Wharton had been of-
 fered a peerage; but he thought it lacked his
 serving a term, and that, whereas peers
 used to be made for services, which they had
 done, he should be made for services to be done
 by him; and therefore excused him self from ac-
 cepting it, and the government's husband, Mr.
 Mordaunt, was put in his room. And whereas
 formerly, before the party to be made a
 peer, who he was chief justice, which had not
 been presented for some years; yet the pre-
 sident was by him was followed, and Trevor,
 the justice of the common pleas, was now of-
 fered to be a peer. The creation of peers
 was looked upon as an undecent part of the
 government; so that there was no ground to
 lay to oppose the removing the new lords into
 the House; nor was it possible to raise in the
 instant great a party of the nobility, which
 was now put upon their dignity as a reward
 did he then, especially of it, that that party be
 kept in absolute submission and obedience.

The Queen's Message to the House of Lords
 dated 4th day of January 1712. The
 twelve new peers were introduced into the

Some of Lords without any appointment,* and the court-printers having by this reinforcement, and by the coming up of the Scots Lords, got the majority, the House adjourned to the queen's banquet to their late address, impatiently. "That her majesty thought her speech to both Houses would have given satisfaction to every body; and, that she had given instructions to her plenipotentiaries, according to the desires of both Houses." This done, the Lord-Knight delivered to the House a Message from the queen, "I had, having matters of great importance to communicate to both Houses at parliament, she desired the Lords to adjourn immediately to the 14th, the same day, to which the Commons had adjourned themselves." This occasioned a very warm debate. It was said, that the queen could not send a Message to any one House to adjourn, when the like Message was not sent to both Houses: that the pleasure of the prince in commencing, dissolving, proroguing, or ordering the adjournment of parliaments, was always directed to both Houses, but never to any one House, unless the same intention was made at the same time to the other. That the consequence of this, if allowed, might be the ordering one House to adjourn, while the other was left still to sit, and this might end in a total dissolving of the constitution. The Resolution however was carried for adjourning by the weight of the latter new peers. It is true, the odds were 13; but that was, because one of the peers, who had a proxy, without reflecting on it, went away when the peers were called first.

* "Jan. 3. This being the day the Lords met, and the new peers to be introduced, I went to Westminster to see the sight, but the road was too great in the House. So I only went into the riding room, to give my lady husband joy, and Mr Thomas Mordaunt, and Lord Windsor; the other we later on acquainted with. It was apprehended the Whigs would have raised some disturbance, but nothing happened." *Brett's Journal*.

† "This Message for adjourning seems only to have been sent to try the strength of both parties, Mr Secretary St. John having been bound to say in the Court of Requests, on Wednesdays debate was over, "That if those twelve had not been enough, they would have given them, [the Whigs] another dozen." However, very strong reflections were made, both in print and in more conversations, on that vote, saying not accepting to say, "That, though it is quite as laid an undoubted right to create as many peers as they pleased, yet her majesty could be called to an account for entering her to do so that night. That personal war was also the prerogative of the crown, and was the occasion in a various way, of making a great many peers, and things, which in another war did, and escaped without it or suspension? But the creating twelve peers, to serve a turn, was in effect, making it before of peers a property of

The court having received no news of the opening the campaign, sessions were held on Saturday and Sunday the 11th and 12th of January, in which it was debated, Whether the parliament should sit, or be desired farther to adjourn the next day; and, it being carried for the adjournment, a Message was on the 14th sent to both Houses, requiring, "That her majesty fully determined to have been previously presented in parliament that day; but, being prevented by a sudden return of her foot, her majesty, to hopes she might, by the blessing of God, be able to speak to both her houses of parliament on Thursday next, the 17th of the instant January, desired them to adjourn to that day." Both houses readily complied with this Message; but, before the same was delivered by Mr. St. John to the Commons, they ordered their Speaker to stand out walk, for the sitting time members in the room of those called up to the house of peers."

The Queen's Message to the Parliament concerning a Peace. *Mr Scots Papers: the number of Letters, &c.* Jan. 17. The parliament being met again, a Message from the queen

the Court, and taking away a separate upon the crown; which would render our liberties precarious. That it could not be desired, that the new-made peers were men of noble fortunes; and that some of them had shown a commendable zeal for the present establishment; but who would secure us, that hereafter such a number should not be made of men of a quite different character? and, in short, that this was a precedent, which might be made use of to invade the nation, and to introduce a popish prerogative, or the popish religion. That if in the reign of such a queen the abuse of the prerogative was so much enlarged against her, how much greater would the cry have been, had it been in a suspicious reign? whereas now they have an irreproachable instance to produce, to silence any clamour or noise. That it was reproachful our men, who owed so much to her majesty for her share in the late Revolution, to oppose a prerogative, that had never been disputed, because never used in that manner: but had any private, who had injured one of his country, begun such a thing, it would, no doubt, have been opposed, and perhaps derided him? But, after all, the greatest reflection upon the twelve new peers was made by the Earl of Wharfedale, who, the same day they were introduced, when the question about adjourning was going to be put, asked one of them, "Whether they went by their foremen? thereby comparing them to a petty jury." *Boyle*.

* "Jan. 14. The parliament was to sit to-day; and was, but was adjourned by the queen's direction till Thursday. My design to write some important speech then was prevented this morn, but I believe it will not wait, and then expect some opposition, and the House look very angry, and must be provoked." *Brett's Journal*.

was delivered to both Houses. That is the substance was as follows.

"*ANNE R.*

"1. Her majesty not having recovered strength enough, made the return of the great, to be present this day in person, and being unwilling, that the public business should receive any delay, thinks fit to commend to them the substance of what she intended to have said.

"2. At the opening of this session, her majesty acquainted the parliament, that both times and place were appointed for the meeting of the plenipotentiaries of all the confederates, to treat with those of the enemy concerning a General Peace; and she expressed the care, which she intended to take of all her allies, and the strict union, in which she proposed to join with them, in order to obtain a good Peace, and to promote and support it, when obtained.

"3. Her majesty can now tell them, that her plenipotentiaries are arrived at Utrecht, and have begun, in pursuance of their instructions, to concert the most proper ways of procuring a just satisfaction to all in alliance with her, according to their several interests, and particularly with relation to Spain and the West-Indies.

"4. You may depend on her majesty's commitment to her parliament the issue of peace, before the same shall be concluded.

"5. The world will now see, how groundless those reports are, which have been spread abroad by men of evil intentions, to serve the worst design, as if a Separate Peace had been treated for which there has not been the least colour given.

"6. Her majesty's ministers have directed in purpose, that a day may be fixed for the signing, as was done for the commencement of the Treaty; and, at the same time all the preparations are hastening for an early campaign.

"7. The end, which the House has already expressed, was a sure pledge, that they will proceed in giving the necessary despatch to the negoti-
negotiation.

"8. Her majesty finds it necessary to observe, how great losses are taken in publishing false and scandalous Libels, such as were reproach to my government. This evil seems to be grown too daring for the laws now in force; it is therefore recommended to you to find a remedy equal to the mischief."

The Message she gave up in the House of Lords, was exactly the same with that sent to the Commons; except only, that instead of the seventh paragraph, about the supply, her majesty took notice of the affair relating to the Scots' Peace, in the following words: "There is one thing in which her majesty's subjects of the north part of this kingdom are extremely concerned, the dissension such of them who were Peers of Scotland before the Union must be under, if the prerogative of the crown is strictly limited against their share. This is a

matter which sensibly affects her majesty, and she therefore lays it before the House, earnestly desiring their advice and countenance in finding out the best method of settling this affair, in the satisfaction of the whole kingdom."

[*The Lords' Address Answered*] Jan. 18. The House at Lords, in a body, voted on the Queen with the following Address.

"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to express our sincere reasons for the continuance of your majesty's independence, by which we are deprived of the honour of your royal presence; and at the same time beseech your majesty to accept of the most humble thanks of the House for your most gracious Message on the 12th instant, wherein your majesty is pleased to express your just care for all your allies, and the strict union in which your majesty proposed to join with them in order to obtain a good Peace, and to maintain and support it when obtained; and for the assurance your majesty has given to your plenipotentiaries, to concert the most proper way of procuring a just satisfaction to all in alliance with your majesty, according to their several interests, and particularly with relation to Spain and the West-Indies, which are of so great concern to the safety and convenience of your majesty's kingdom.—We thank ourselves obliged more especially to return our humble acknowledgments for your majesty's great consideration in appointing this House with the steps already taken in relation to the Peace, and for the assurance your majesty is pleased to give of communicating to this House the terms of the Peace before the same shall be concluded. Your majesty's declaration, that there has not been the least colour given for those false and scandalous reports that have been spread, that a Separate Peace has been treated, must be the highest satisfaction to all your people; and we readily embrace the opportunity to assure your majesty, that we entirely rely upon your great wisdom, in settling the terms of peace."

[*The Queen's Answer*] Her majesty's Answer was as follows:

"My Lords; I return you my most hearty thanks for this Address, and for the confidence you place in me, which will be very enable me to obtain such terms as may be safe and honourable for my own subjects, and all our allies."

[*The Commons' Address*] The Address of the Commons was as follows:

"Most gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, appear before your majesty, with the greatest satisfaction, to return our most humble thanks for your majesty's most most gracious Message.—Your majesty has, on all occasions, shown such a piety and regard to the welfare of your people; and such

a passion and disinterested concern for the support and advantage of your allies, is so many instances, during the prosecution of the present war, that we have no reason to doubt your majesty's care of both, in a Treaty of Peace, and that the most proper ways will be pursued of procuring a just satisfaction, as it is Alliance with your majesty, according to their several treaties, and particularly, with respect to Spain, and the West-Indies, however, we think ourselves obliged, with the greatest gratitude, to acknowledge your majesty's goodness and consideration, in proposing to your assembly the terms for a General Peace, before the same shall be concluded: and also, if any thing can, must entirely silence those malicious reports, that have been industriously and maliciously spread abroad, to the dishonour of your majesty, that a Separate Peace has been treated, which can have been raised only by some factious impostors, who, to cover their own dissimulation in the private establishment and administration, and such designs as they have not dared publicly to own, endeavour to detract your subjects with unreasonable and groundless distrust and jealousy.—Your majesty's approbation of the last year's *Bill of Commerce* have already improved for raising the necessary supplies, will engage them to continue their applications, and so give all possible dispatch thereunto.—We are very sensible how much the Liberty of the Press is abused, by turning it into such a house of commons as is a just reproach to the nation; when not only false and scandalous tales are printed and published against your majesty's government, but the most horrid blasphemies against God and religion, and we beg leave humbly to assure your majesty, That we'll do our utmost to find out a remedy equal to the mischief, and that may effectually cure it."

[The Queen's Answer.] Her majesty gave the Answer—

"I have received so many proofs of the loyalty of this House of Commons, and of their love of our country, that the last answer which I can return to this most dutiful Address, is to give you my hearty thanks for it; and to repeat not only that good opinion which I have of my Commons, but also my assurance, that the confidence which you place in me shall be answered by my utmost endeavours to promote the safety and advantage of all my subjects."

[A Bill going *Procedendo in the House of Commons*.] The duke of Newcastle, pursuant to the motion he had made before the house, having prepared a Bill for going *procedendo* to the study of Cambridge, the Lord-Treasurer was directed to present him, and offered, January 17, a bill, arising *procedendo* to the whole electoral college, as the electors and members of the crown; and it was insisted, that bills relating to honours and precedence ought to come from the crown; that duke of Devonshire would make no dispute on this head, if

the thing passed, he appeared in the manner of passing it, only he thought it lay within the authority of the House. On this occasion, the Court seemed, even to an effect, to show a particular zeal in promoting this bill; for it passed through both Houses in two days. Notwithstanding this haste, the Court did not seem to design any such bill, till it was proposed by others, out of whose hands they thought fit to take it. The next was sent over to Hanover, by Mr Thomas Harley, in order to receive favourable thoughts there at the ministry. But that Court also through those thin dissensions, which were contrived by the open countenance to those who were so well-wishers to the Protestant Succession, and the disappointment to its last friends

[Debate concerning the Scots Peers.] The Lords entered upon the consideration of the paragraph in the queen's Message, relating to the Peers of Scotland. The Court proposed that an expedient might be found that the Peers of Scotland should not sit among them by election, but by descent, in case the rest of the peers of that nation should consent to it. A debate followed concerning the Articles of the Union, which of these were fundamental and unalterable, it was said, that by the Union no private right could be taken away, but by the consent of the parties concerned; therefore no alteration could be made in the right of the Peers of Scotland, unless they consented to it. It was afterwards debated, whether an alteration might be made with their consent, in case they should consent to it; or whether the first case to any such alteration ought not to be given, by a previous decree. This was not so subject to an ill management; the Court studied to have a subsequent consent received as sufficient; but a previous decree was insisted, as really fairer and juster.

The Scots Lords, among no address to their complaint, but that the Peers adhered to their late resolution, seemed resolved to come no more to sit in the House of Lords; but the Court was sensible, that their strength, in that House, consisted chiefly in them and the new Peers, for which reason pains were taken, and secret facillite agreements were used to them, which proved successful, that after a few days absence they came back, and continued, during the session, to sit in the House. They gave out, that an expedient would be found, that would be to the satisfaction of the Peers of Scotland; but, nothing of that appearing, it was concluded, that the satisfaction was private and personal. The great arrears, into which all the regular payments, both of the household and of the crown and private, was left in debt, made it to be generally believed, that the income for the civil list, though it exceeded the establishment very much, was applied to other payments, which the ministers durst not own. And, though secret practice on members had been for a great while in exercise, yet it was believed, that it was at this time managed with an extraordinary profusion.

John took was required under the plausible appearance of appointing a Committee for enquiring and saving the Public Accounts. St. John employed all the powers of his eloquence to show the necessity of taking into consideration the national expenditure; unwarmed debates but those who were warm to their country, or who would themselves plant the enquiry, would be so bold as to oppose the enquiry, and supported his arguments with the most ardent affection of soul for the church and constitution.

“The speaker had St. John ceased speaking, that Walpole rose with great grace to vindicate his power from the imputation of corruption and misdirection. He did not, however, condescend to make any reply to the hypocritical calumny of St. John, in regard to religion, but confined his remarks to the subject of debate. He explained, in a calm and distinct manner, the accounts of the public expenditure, and confirmed the truth of his report, by the original receipts, and the most authentic institutions. After having proved that the enquiry was founded on party necessity, he concluded by observing, ‘If he is accused, who cannot be charged, with any crime, or any just suspicion of a crime, and whose the member who spoke last could neither fear nor hate, take heed lest the constitution should receive a wound through his side. It is obvious, how much the multitude is under the influence of bribery, it is obvious, that the people of England are at this moment animated against each other, with a spirit of hatred and malignity. It behoves you, in the first place, to find a remedy for those disorders, which if pressed are gradual and in the civil constitution, and unless you reject this enquiry with becoming indignation, I leave you to consider the situation to which this kingdom and government are likely to be exposed.’ But the heat and eloquence of Walpole had no effect; for the Committee was appointed, consisting of persons principally Tories, and some vicious Jacobites, all previously determined to bring the proceedings of the former administration. The result of their enquiry was given in a most extraordinary Report, which placed the House on the 12th of April, and was presented to the queen on the same day. After showing the great errors due from public trust, many engagements and unexecuted plans, mismanagement in public office, and misapplication of parliamentary supplies, it boldly asserted, ‘That of the money granted by parliament, and issued for the public service to the Treasury, 2,710, three millions, six hundred and thirty, the sum of 25,248,100*l*. for a great part of which no account has as much as been laid before the audience; and for the rest, though some accounts have been laid, still, yet they have not been produced by the accountants, and finished.’ The unprecedented approach even by the House of Commons to the ex-minister had this a general and prodigious effect in increasing the popularity

of the Whigs. The people conceived it to be impossible, that the Commons would advance such an assertion, without the most convincing proofs in its favour. A general belief gained ground, that the nation had been deceived and betrayed; that confidence was placed in the new ministers, who then displayed their care for the people, and proved their capacity by showing such means to lighten taxation and discharge so vast a debt.

“In opposition to these accusations, Walpole again came forth as the champion of his colleagues, and published ‘The Debt of the Nation stated and considered,’ and the ‘Thirty-five Millions accounted for.’ In these publications, the authors, who is called by Arthur Mordaunt ‘the best master of logic of any man of his time,’ gave, in a small compass, an accurate scheme of the public debts, an account of the ways, together with the management of the revenues, the expenditures, the debts, and the reasons and necessity of them, minutely understood the public, and refuted the calumnies which had been so industriously raised. He proved, in a clear and satisfactory manner, that the Debt of the Navy, which was estimated at 5,250,000*l*. did not amount to 1,000*l*.; and that of the whole *Public Debt*, all but 4,000,000*l*. had been accounted for.

“Walpole had distinguished himself as a ship in the House of Commons, and by his publications had proved himself to be a man as tried as the fallen monarchy, and too powerful an adversary to the reigning administration, not to be weighed out as one of the stones to be used at the shrine of party dissension. His words were, therefore, from the House of Commons was resolved, and a meeting held by the leaders of the opposite party for the purpose of consulting on the means of proceeding. But the respect of this act was increased in dignity, and the expectations of glory so high and true, that many of those who had seemed to censure the late administration, declared their aversion to the malicious design. Brinkley, however, removed these scruples, by declaring that the expulsion of Walpole was the wiser necessary, as they could not carry on the business, if he was suffered to continue in the House. It was wonder, therefore, that his enemies, who could command a majority, should had a plausible pretext. The Commissioners of Public Accounts had a charge of robbery and outrage was a man from the Foreign Commerce in France and while he was Secretary at War. They charged him of having in his two countries, two years of hard, one for 200 guineas, the other for 100*l*. the first of which had been paid, and a receipt given in his name, and of the other 400*l*. was paid. It appears, from examining of the witnesses, on oath, that the contractors rather than others, was their partner ship Robert Murray, agent for Walpole, who, according to the terms of the original contract, reserved a share for a friend, to have a benefit of the bargain, if and released by the commission with a sum of money, had professed

paying the 200 guineas and 500*l.*; and that Mann had received the money for the first note, and had obtained the second note as a deposit for the sum specified to be paid.

"In consequence of these reports, Walpole was heard in his own defence, though no particulars of his speech are preserved in the proceedings of parliament; after he had withdrawn, a warm debate took place, which lasted till past ten at night. His friends, on this occasion, supported him with as much zeal, as the House was divided four times in the same sitting; and the members, who carried all political questions in this session with only a trifling opposition, passed the motions for his condemnation and expulsion by a small majority. On the first division, in which Pultney, then his intimate friend, afterwards his most bitter opponent, was teller, the amendment, to leave out the words, "and notorious corruption," was supported by a majority of 52. The same question passed in the affirmative by 31. The motion for committing him to the Tower by only twelve, and his expulsion was dropped by 11. These small majorities sufficiently prove, either, that Walpole possessed great personal influence in the House, or that many of the Tories considered his accusation a scandalous prosecution, and would not give their votes against him. The House however resolved, "That Robert Walpole, esq; was guilty of a breach of trust, and notorious corruption." "That he should be committed prisoner to the Tower of London;" and on a subsequent division, which was carried only by a majority of 29 votes, "That he should be expelled."

"On the next morning, Walpole surrendered himself a prisoner, and was committed to the Tower. It was expected, that he would have petitioned, and petitioned himself to the contrary of the House; but he refused making any concessions which could imply a consciousness of guilt, and he therefore remained a prisoner until the prerogative of parliament. In the mean time a new West being voted for Lynn, he was re-elected for that borough; but a petition being made against the return, by Samuel Taylor, the opposing candidate, the Commons resolved, "That having been expelled this House from high breach of trust, and in the execution of his office, and notorious corruption, when necessary at war, he was incapable of being re-elected a member to serve in the present parliament."

"While he remained a prisoner, he was considered as a martyr to the cause of the Whigs, and repeatedly visited by persons of the highest distinction and abilities, particularly by the duke and duchess of Marlborough, Cadogan, Sandwich, Newcastle and Pultney, and his apartment exhibited the appearance of a crowded house.

"During his confinement, he had sufficient leisure to compose a clear and judicious vindication of himself, which was published under the title of *The Case of Mr. Walpole*; in a Letter from a Tory Member of Parliament

to his friends in the Country." In this masterly defence, he fully justified himself, and appealed to evidence, taken upon oath, against the two principal charges, high breach of trust and notorious corruption. He replied to high breach of trust, he shews that he had no advantage in the contract; that he was not the only person concerned in making them; and that they were settled on the best and most advantageous terms to be obtained at the time. In reply to the charge of notorious corruption, he shews that a share in the contract being given to his friend, Robert Mann, the contractors preferred paying him a sum of money in recompence for his share; that the contractor, who had negotiated the bargain with Mann, dying, the other not knowing his name, made the note of hand payable to Walpole or order, for the use of his friend; that the note was endorsed by himself and for him, and the money received by Mann was for his own use and benefit, and that Walpole had not the least interest directly or indirectly, in the affair.

"I have been thus particular in stating the defence of Walpole, because it gives strong proof of his innocence, and was never fully and candidly answered; because some of the very persons who stated him in prison, and as only defrauded but applauded his conduct in his sentence, afterwards, when an opposition, supported him with the strongest of all the very circumstances, of which they had publicly and formally absolved him; and because some late writers, of different principles, have suggested his memory, without having sufficiently examined his defence.

"This engagement has been called the prelude to his rise; and Lord Londondown, who was afterwards committed to the same apartment, wrote these lines under Walpole's name, which he had left on the window:

- "Good unexpected, evil unforeseen,
- "Agg'd by want, as fortune shifts the scene;
- "Some run'd aloft, come tumbling down again,
- "And fall so hard, they bound and rise again!"

"The ministry having protested the order by adjournment, instead of sending it by proclamation, retro to detain him in prison, Walpole was not released until the 10th of July. From that period till the dissolution, which took place on the 26th of August 1713, being interrupted from serving his party in the House of Commons, he contented himself in maintaining the sense of the Whigs, in concluding the leaders, when dissident in their opinions, jealous of each other, or lukewarm in their conduct. He was a principal director of their speeches, and the great manager of their deliberations. The magnanimity and cheerfulness with which he acted and suffered, his liberality in expending large sums in personal assistance, and promoting the President societies, the hospitality with which he entertained his political associates, sustained him in his party, preserved his tranquillity, and contributed to preserve them from defection. The luxury

opinion, incurred by these means, squared his opinion better, and involved him in necessary inconsistency; a singular case which perhaps gave rise to, or at least sanctioned the saying, afterwards indelicately corrected by Walpole, of his being a wondrously moderate man, had not credit enough to reach 1724, or till great security. The gratitude he shewed in displaying to those persons who supported him with money at a considerable risk, does honour to his character.

During this period, he ably employed his pen in the service of his party. He printed *Seventeen evil points in a pamphlet*, and published an answer to the *Vindicta* of the House of Commons, for the *Viscount General*, but here defected in the prosecution of troops, and that the queen had paid considering the amount of three millions of crowns above the sum stipulated.

His real and constant wish was no operation, but he received a distressing invitation of women, in a year which he paid to Godolphin, while confined with his last illness in St. Albans, in the house of the duchess of Marlborough. The dying statesman turning to the doctors, who stood by his bedside, said to him, "If you ever think that young man, and if good are permitted to return from the grave to the earth, I will appear to you and reproach you for your conduct."

The dissolution of the parliament at length taking place, Walpole's incapacity was removed, and he was again chosen for Lynn. While the elections were depending, it was the opinion of Swynn, and the Whig Lords, that to come to the people, in a strong and per-petual manner, the proceedings of the late parliament, which were to regulate the measures of the ministers, and to guide the elections in the choice of the new representatives, would be highly advantageous to their party. Some were indeed better calculated for the office than Walpole, he undertook a pamphlet, at their desire, on the *Thursdays*, and published it on the *Thursday* following, under the title of, *A Short History of the Parliament*, with the motto, "Thanks People, thanks Court Patrons."

To this publication he prefixed, a dedication by Pope in, then his colleague, composed in a learned Latin and however judiciously his own, and in which, though addressed to an anonymous party, it was easy to perceive that the late parliament was the object of allusion.

"The pamphlet tends to prove, that the proceedings at the parliament had been strictly conformable to the laws and advantage of England. The author defends the measures of the late administration with great ability; and after refuting the accusations passed on Macbride and Townshend, mentions his own case, and concludes himself as, during the business of an impeachment with those illustrious men. His observations on the conduct of the parliament, were made such as much bred in and merry, that it was not deemed prudent to extract them in a common printer. Walpole himself, at a subsequent period, expressed the

approbation of the danger he might have incurred, had the author been discovered. "There is a noble lord in the other house, who says, if he pleases, informs gentlemen, that the author of this history was an approbator of the consequences of printing it, than the printer was, and that he was not the consequence of it." [1712]

A speech made against Mr. Walpole. In consequence of the Resolution, (see p. 1038) Mr. Walpole carried over himself next morning previous to the House, and a Speech on that occasion, was, a day or two after printed and shewed.

"Sir, I am how late it is, and therefore will take up but little of your time in supporting the motion that is made you, which I think is just to be considered, and that keep the country in awe. I am, it is not necessary to make the proceedings of this day complete, and give that satisfaction to the nation, which I am sensible, is expected from us in this affair."

"Sir, we have been to-day, and are yet sitting in judgment upon motions a crime that is contrary to the purpose in the executing an office of trust, which is certainly a practice not only the more vile and detestable in itself, but the more pernicious, and (except treason) the most destructive to every constitution or government, wherever it prevails. And as the crime itself is of the most heinous kind, so in any government, as I cannot help observing to you, that, in the instance you have had to-day before you, there are some circumstances which make this the worst case of that sort of any that are yet upon your journals. In every other instance that I can find there, it is plain it was the guilt that is equal and pardoned upon the party concerned in the crime; but this instance, if it was I believe the worst, and has evidence's confession, because it only to greatly the probability of his honesty, and gives an extraordinary liberty to a conduct of his own. Or if we take it the other way (which I own is my belief) that the guilt was on himself, it is still the more extraordinary case that appears there: for, in all other instances of fraud, when the nation lost the party and: but in this, for every hundred pounds of public money, which he was to pay for making the motion, he has cost the nation, as it stands compared upon your report, very near a thousand. So that I leave the fact, which being in the worst sort (except

"Walpole," says Swift, in his *Four Last Years*, "was a person much distressed by the opposition of the queen and country, having been first drawn into that party by his indifference to any principles, and afterwards kept steady by the loss of his place. His bold, forward countenance, altogether a stranger to that diffidence which makes men bashful, joined to a freedom of speaking in public, had partly infected him, among those of his faction, to be a sort of leader of the second form. The reader must excuse me for being so particular about one, who is otherwise altogether obscure."

man's) that can be; and the contrary, with being the worst of that sort (except what yet has upon your table) that has ever yet appeared before this House.

"Sir, I am sorry to observe back from the House that has been proved before you to-day, and from others that in upon your table, besides what future discoveries we may reasonably expect from the industry and integrity, the industry and courage of those gentlemen, you have so happily chosen to be your Commissioners of Accounts, that this matter has not only taken very deep root among us, but I believe we shall find a high spread root almost through every part of the late administration; therefore, Sir, I hope your judgment in this case will be such, as all good judges ought to be, whether the punishing of the offenders, whether it be more or less, is not so much to be regarded, as that it may be such, as may sufficiently deter others from doing to commit the like practices hereafter.

"Sir, you have already sent the petition that you have found guilty of that foul crime to the Treasurer, and some gentlemen say (though I can hardly believe them) they think it punishment sufficient: I am as far from thinking that a punishment adequate to the crime, that I am afraid that all that is in the power of this House to do, will not be sufficient to put the interested and reduced number from amongst us; and as I said before, it is the satisfying of desire, not the punishment of the man, which we ought chiefly to regard.—For Sir, it is very plain from the many instances which you have upon your journals, that abundantly too many have been punished both by imprisonment, and what you are now moved for, *exile*; and yet the usual force of those punishments (which I think is the most this House ever did) have been so far from being able to remedy that, that it has increased upon us.—As to what you have already done, I own, Sir, I think contrivance of any sort very grievous to a generous mind; but, Sir, there are confident tempers in the world, that instead of standing corrected, are glory in their punishments, but they do what next they will. We all know an instance, where an House has been made wiser in the Pillory itself, by the wrath that was just come out of it. I hope your members and so low as that fellow, but give me leave to say, I expect to see such a parade made, and such a counter-march shew him in his prison, by some sort of persons, who would be glad, for their own sake, to witness the features of the crime, as well as the pains annexed of it, that I am afraid that part of your judgment will not be so heavy upon him as it ought to do. Your worthy member Mr Peter King says, he is much disposed to be hanged as these two punishments. I do not much differ from that worthy gentleman; for I think a man that is in parts of near five thousand pounds a year, and cannot be content with that, but must covetous such practices as these are, deserves to be hanged, and I am much obliged to him for it, therefore, &c."

Memoirs from the Queen relating to the Duke and Duchess. Mr. Secretary St. John delivered to the Commons the following Message from her majesty:

"As the R.
"Her majesty thinks it great for the House, that as punishment of an Act, entitled, 'An Act for granting to her majesty several duties on ready or building offices, &c. has been introduced, the House of Commons and Westminster, and as her majesty, with other purposes thereof, has intended, the House can her commission under the great seal of Great Britain, authorizing several persons to examine the papers thereof mentioned, that her majesty finding, by the expense of the superintendence, that they have been too little, rather the more inclined, fully to execute the purposes of the said commission, earnestly recommends to her parliament, that the same may be enlarged for effecting this work, and such further powers may be given, as shall appear necessary to enable her majesty's power to become more effectual."

A Bill ordered to be brought in tomorrow, [Wednesday, a Bill was ordered to be brought in, 'For enlarging the time given to the Commissioners appointed by her majesty, pursuant to an Act, entitled, 'An Act for granting to her majesty, several duties on ready or building offices, &c. and about the cities of London and Westminster, and suburbs thereof, and other purposes therein mentioned, and also for giving the said commissioners further power for better effecting the purposes of the said Act mentioned."

Parliament at the Commons [Wednesday, the Duke of Marlborough.] Jan 24. The Commons, in a full House, proceeded to take into consideration the Report of the Commissioners of the Public Accounts, and that part of the said Report relating to the Duke of Marlborough, (see p. 1012,) which was not printed the Thursday before, was now read, as were also the Minutes of Mr. Cardenall's Deposition, about Allowances by the contractors for

"Jan 25. I dined again to-day with the Secretary, but could not dispatch some business I had with him, he has so much besides upon his hands at this juncture; and preparing against the great business to-morrow, which we are all up full of. The minister designs, that the Duke of Marlborough shall be examined as gently as possible, provided his friends will not make head to defend him; but if they do, it may end in some severe words. A gentleman who was just now with me, tells me he is much cast down, and believes every day he is going, if he has but two friends in the House, that they shall defend him to the utmost, and endeavour to prevent the least censure upon him; which I think cannot be, since the bribery is manifest. Sir Solomon Molineux paid me a visit a year to have the enjoyment of preaching, lived for the army, and the Duke was it in his letter to the Commissioners of Accounts." [St. John's Journal.]

Bread and Bread-waggons, taken and produced by the Commissioners of Accounts; and the resolutions of the Creditors of two persons beyond sea, the case of Jacob de Mouchade, the other of Don Miguel Cardenas, relating to the said advances. Upon the reading of these papers their *honours* were desired that should be done in the afternoon, till after half an hour past three o'clock, and in which many speeches were made for and against his grace. Sir John Germain was also called in, and, being examined at the bar, said, in his grace's behalf, That the Allowance given to his grace by the Constitution for Bread and Bread-waggons, were ordinary purchases of the commander in chief in Flanders, and as such should be allowed to poster Waldeck, under whom Sir John Germain had served.

Resolutions against his Grace. But nevertheless it was resolved, by a majority of 165 to 118; 1. "That the taking several sums of money annually, by the duke of Marlborough, from the Constructors for furnishing the Bread and Bread-Waggons for the army in the Low-countries, was unreasonable and illegal."

A motion being made, and the question put, That the House do adjourn, it passed in the negative; After which it was also resolved, by a great majority, "That the tax and an half per cent. deducted from the foreign Troops in her majesty's pay, is public money, and ought to be accounted for." And, that the said Resolutions be laid before her majesty by the clerk of the House.

Accordingly, on the 26th, the House with their Speaker, laid the said Resolutions before the queen, who thereupon was pleased to make the answer:

"I have a great regard for whatever is represented to me by my Commons, and will do my part to redress what you complain of."

"It is observable," says Truel, "that though some of the foreign princes, who had troops in the queen's pay, did come here after under three measures in London in repayment, 'that the tax was a half per cent. was their own money, but they were willing to allow it as a

' been got to the duke of Ormond, as they had ' done in the duke of Marlborough,' which representation seemed to be a full performance of the latter. The Queen however was prevailed upon to send an order to the attorney-general to prosecute the duke for the 15,000*l.* above and upwards yearly cost of the pay of the foreign troops, for the following she did not find half such warrant. The queen requested three resolutions of the Commons with great zeal, and paid well for the great majority by which they were carried. Upon this many violent matters (whether set on foot, or otherwise) were done to move by it, did not appear three out of many extraordinary facts, a great deal of order against the duke of Marlborough (they composed him to sit down in France, in Anjou, and ended to represent him as a robber of the nation, and as a public enemy. This gave indignation to all who had a sense of gratitude, or a regard to justice—heard resolutions were made, in order to the thing more hard on the duke of Marlborough, and to vote whether posts in the army or in the guards, were sold by him; but nothing would be found. He had suffered a Traitor to go on that had been begun in the late king's time, of letting officers sell their commissions; but he had never taken any part of the price to himself. Few thought that he had been so clear in this matter; for it was the only thing in which some his enemies were confident that some discoveries would have been made to his prejudice.

"Among the libels against the duke was published by order Prior or Swift, 'A Fable of the White and her Cat,' the last sentence of which is as follows:

"So flagrant is thy accident,
So vile thy breach of trust is,
That longer wait thou to dispart,
Were man of power or want of sense;
Horn, Tawny,—Do his justice."

"It is no wonder the duke of Marlborough was thus used, since the part of Marlborough himself did not escape for approving the negotiations of peace. It was not only said, that he did so because he was refused the privy-seal, but the following advertisement was inserted in the Post-Boy, of December 6, viz. 'Whereas a very tall, thin, over-complimented man, between sixty and seventy years of age, wearing a brown coat, with white sleeves and long pockets, has lately withdrawn himself to his friends, being reduced by several persons to follow all crimes there are to government, that whoever shall discover him shall have 10*l.* reward; or, if he will voluntarily return, he shall be kindly received by his friends, who will not reproach him for past failures, provided he give good assurances, that, for the future he will freely adhere to the church of England in which he was so carefully educated by his honest parents.' There were also hand-pans, and other kind, both in verse and prose published against the same party." Truel.

"It was observed, as very consistent with and becoming the dignity of such an assembly, that this debate was managed with great order, and with few personal reflections upon the duke of Marlborough. They seemed only desirous to come at the truth, without which they could not answer the trust reposed in them by those whom they represented, and left the rest to her majesty's wisdom. The Attorney-general was ordered to commence an action against the duke for the subtracted money, which would have amounted to a great sum, though to most any private person, except himself. This process is still depending, although very moderately pursued, solely by the queen's indulgence to one whom she had formerly so much trusted, or perhaps to be revenged if slackened, according to the future demands of the defendant." Swift's *Four Last Years*.

as that the endeavours used to search into these matters, producing nothing, raised the reputation of his scorner's administration; more than all his well-wishers could have expected. In this whole transaction was used a new sort of ingratitude, as well as a most ungrateful manner, when the man, to whom the nation owed more than it had ever done, in any age, on any subject, or perhaps in any person whatever, was, for some months, pursued with so much malice. He bore all with silence and patience, sparing always civil and charitable; and though he prepared a bill vindicating of himself, yet he delayed publishing it, till the nation should return to its senses and be capable of examining these matters in a more impartial manner." The following is a copy of the said Vindication.

THE DUKK OF MARLBOROUGH'S CASE AND
VINDICATION OF HIMSELF.

The following Case was designed by the Duke of Marlborough to be presented to the Honourable House of Commons, in Vindication of himself from the Charge of the Commission of Accounts, in relation to the two and a half per cent. for Bread and Bread-waggons:

"When I first heard of the proceedings before the Commissioners for taking the Publick Accounts, I was alarmed, and in the queen's service; and though the account I give you by letter, was not, in these opinions, so full, but they have thought themselves obliged, notwithstanding that, to try the matter before you, I think myself however bound to own the justice they have been pleased to do me, in rejecting that letter also, together with his majesty's letter.

"I am sensible the nature of the service to which the report relates, might occasion many mistakes, without any imputation to the gentlemen concerned in that commission; and I am sure that those gentlemen every one of them, as I every other gentleman here, will be glad to feel himself concerned, that as I have, in some measure, deserved the good opinion of my countrymen as former commander, so nothing will appear to them, which can draw upon me the blame of this House.

"The first article in the Report is founded upon the deposition of Mr Solomon de Meuron, by which you are informed of a yearly sum paid by him, and his predecessor, contractors for Bread and Bread-waggons, to myself. This payment, as my letter, I have called a perquisite of the general or commonwealth in chief in the Low Countries; and it has been constantly applied in one of the most important parts of the service done, I mean the procuring intelligence, and other secret services.

"The commissioners are pleased to observe, that these sums must be esteemed legal perquisites, because they do not find them allowed or received by any other English general in the Low Countries. But I shall take leave to

affirm to this house, that this perquisite or payment has been allowed to the general or commander in chief, in the Low Countries, both before and ever since the Revolution, as capable him to carry on such great services. The like allowance was made to prince Waldeck, whilst he was general of the Dutch army in Flanders, as was made during the last war, well as then, and for your better satisfaction in this matter, I am content to refer myself to Solomon de Meuron, who cannot but own, that when he made this allowance, he knew it to be the constant practice during the long war in the Low Countries, and particularly when prince Waldeck commanded there. And if it be a corruption or worth your notice, he must inform you also, that the allowance of 15,000*l.*, which the Report takes notice of, as a great allowance, that he has allowed the like, is nearly like number, to great Tilly, though he was not commander in chief, and that there is a proportional allowance of the same kind to other officers. The Report may have observed very rightly, that, by the strictest inquiry the commissioners could make, they cannot find that any English general ever received the perquisite. But I perceive to my, the reason is, that there was never any other English general besides myself, who was commander in chief in the Low Countries. I drive him then to say, that the observation in the Report, was concerned in the want of that information to the usage of the army. In making this an an established and known perquisite, I have followed and kept up that usage, which I found on the army, when I first entered upon that service; and upon this ground alone, I hope that this House will not think that I am unreasonable in taking it.

"But that no doubt any remain with you, I will state, as well as I can, what I have learnt, and show that now I have been in the service, has been always understood to be the ground, as well as the design of this allowance. The contracts of bread being of necessity of the war were for the whole army, and it being for the necessity of the service, those contracts should be in the lowest hands, the more gain upon it I upon such as a contract for the whole, or great part of the army, even at the lowest price, makes this pretty allowance to have been thought not unreasonable from the contractor. This being an allowance generally arising from the contracts that concern a variety of troops, under the same ground, must naturally fall under the direction, and command the hands of the commander in chief, as an allowance is capable him to carry on such designs as could not be foreseen, but yet necessary to be put in execution, and which chiefly depend upon intelligence.

"I thought it more needful to give you the account of the nature and design of this allowance, because I observe from the Report, that the objection is to the usage and reasonableness of the perquisite itself, without having

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"But the Commissioners apprehend this was to be a justifiable proposition, because they saw, the public, or the troops, necessarily suffer in proportion to every such proposition.—If these allowances were well granted, I should think, the good reasons to put us and to the allowance, and at the time, time to blame those who first introduced it; but I rely upon me to show, that this matter is, warren by the more I have never heard a complaint, either of public or particular injury from this allowance; nor does the Report assign any particular objection as to be judged to be so.

"The allowance to the general, can have no influence upon the contract itself, which is usually made and agreed to, the Treasury, and the post, regulated by what the States have agreed to pay for the horse for their horse. I agreed to all the officers who have served with me in Flanders, whether the horse is lost or not; his pay have not all along, had as much, was agreed for as those of the States, and as the same price; which every body will be here to be the lowest, that considers the frugal economy of the States, and the small pay of their troops? And therefore, I may safely conclude, that if the English have had their horse as cheap as was possible. Nor indeed can it be pushed to be otherwise, for the very supposition of two different prices, paid by different troops in the same army, for the same quantity of bread, would occasion a mischief.—But the whole offer has been so regulated, and does not leave to him occasion for complaint, that it is well known our men in Flanders have been duly supplied with food during the whole war, and this rendered with an economy that will be hardly thought consistent with the severity, and solicitude of some of the measures that have been made.

"The Report further says, that the general like the whole of the contractors, and he is to be as a of the performance of the contract, and to judge of all deductions to be made from and allowances to the contractor. And here these suggestions it seems, that, under this construction, as in a breach of trust is due to receive the proceeds.—This observation appears to be more than suggesting a possibility of incommensurate from measure wage in the army. And if by calling the general the sole check upon the contractor, it means, that he is the person who is to receive complaints concerning the execution of the contract, (and so far only means,) I affirm, that upon all complaints I have given full advice, either by answering other bread, or the value in money, at the charge of the troops: For the most of which, I appeal to the officers of the army. And as to the general being so judge of all deductions to be made from, and allowances to the contractor, I am entirely a stranger to any such deductions and allowances, of which the general is supposed to be the judge.

"The circumstance resulting upon the agreement is I have largely upon, to receive a payment, raised by the Regent, from their common and services with which it served the money, has been limited. This is supported only by an assertion, that my secretary Mr. Chisholm, said that I said upon such, that he never found or knew of any such payments, and that I said that it is supposed he ought to have done as justice of the board account. But I make leave to say, that, that he never was content of the board account, nor has any thing to do with it, only, though it stood in the Report, that he declared upon such, yet I cannot obtain or hear of any such deposition, nor is it possible he could declare so. In this part of the Report, there is more than happened some mistake. For I perceive Mr. Chisholm, who is a minister of this House, seems to declare that he knows of this proposition, though he might be deceived of the same, till notice came to the camp of what Mr. Salomon de Meiring had done.

"As to the 2 per cent. said to be allowed to Mr. Baker for prompt payment, I declare that I have nothing of it. And though Mr. Salomon de Meiring is his name complained to me of Mr. Baker's payments not being regular, I do not remember he ever mentioned the 2 per cent.

"Now, as to the second Article in the Report, allow me to declare to you, that it has arisen only from the information I myself gave the Commissioners for my letter to them. This matter having relation to that part of the service, to which the terms in the former article have been applied; that the Commissioners might have a true view of it, I chose to insert a short Account of it in my letter to them. If I did this voluntarily, out of duty to the public, I hope I shall be thought to have given you information upon a certain belief, and I was altogether mistaken in the part I have had in it.—It will be necessary that I trouble the House with an Account of the same and account whence the payment of 64 per cent. by the troops to go, commenced.—During the last war, the allowances by parliament for the maintenance of the army, of which that of secret service is the principal, was, 80,000*l.* per ann. But this allowance fell so far short of the expense on that head, that upon the proposal of this war's breaking out, the late King granted *h.c.* that the last part of the service never cost him less than 10,000*l.* per ann. However, the allowance of parliament for the whole continental service, during this war, has been but 10,000*l.* per ann. 3,000*l.* of which, or thereabouts, has generally gone for other contingencies, than that of intelligence. The late King, being unwilling to come to parliament for more money, on that head of the service, proposed the allowance to be the foreign troops, as an expedient to meet that part of the service, and commanded me to make the proposition to them; which I did accordingly, and it was readily answered to. By this means a new fund of a near 15,000*l.* per ann.

was provided for carrying on the secret service, without any expense to the public, or grievance to the troops from whom the allowance was made; for, when the public pays, those troops are not at all affected, or are strikingly increased, in consideration of this deduction, nor is there in any circumstances for them any weight laid upon it, the law of foreign troops being governed by settled rules and statutes, and the convention of the States for them, being in the same terms.

"This expedient being formed in the manner I have shewn, her majesty was pleased to approve it by her warrant, which being understood as a confirmation or an agreement with the foreign troops, not suggested by, nor, by consequence, and within the date or limitation of the warrant, was counter-signed by the secretary of state whose presence it belonged to, as the only proper officer.

"The true design of this deduction being to supply the secret service, gentlemen, I hope you will observe, that this, together with the sum on the former article of the allowance by parliament, when put together, doth full show of the allowance given by parliament is the last war upon that head.

"I must suppose that I need not say how essential a part of the service this is, that no war can be conducted successfully, without early and good intelligence, and that such service cannot be had but at a very great expense. Nobody can be ignorant of this, that knows any thing of secret correspondence, or considers the numbers of persons that must be employed in it, the great labour they undergo, the variety of places in which the correspondence must be kept, and the constant accuracy there is of supporting and feeding this service; not to mention some extraordinary expenses of a higher nature, which ought only to be hinted at. And I affirm, that whatever sums have been received on this account, have been constantly employed in procuring intelligence, in keeping correspondence, and other secret service. If any gentleman should doubt this, and imagine that this expense could have been supported by the 30,000*l.* per annum, I desire them to consider, that the present war in Flanders, from the beginning of it, has been an expensive war; the campaigns early and long, the variety of actions have been very great, whereas in many battles have been single, less forced, and so many strong towns taken, with trenches opened; but yet, during the last war, which was of another kind, if regard be had only to what was allowed by the public, it is certain, that the charge on that head, in three campaigns of that war, came to at least as much as all the two campaigns of this. And though the merit of our successes should be least of all attributed to the general, the many successful actions, such as have surpassed our past hopes, or the apprehensions of the enemy, in this present war in Flanders, in which our constant good intelligence has greatly contributed, must condemn every gentleman, that

each shilling has been disbursed, and consequently that this money has been rightly applied.

"Having given this full and faithful account of the true and real use of this deduction, it may, I flatter myself, appear to every body that being so, to have been a real service, as well as saving of money to the public. And though the sum is due to the memory of the late King, who bore this expense, and to his majesty, who approved of it, by his warrant, I insist, upon this ground, apprehended any imposture to report, who have pursued this, as much to the advantage of my country.

"Before I take notice of the remarkable order by the Commissioners upon the 24th of the instant, I make one general observation upon the nature of this deduction, which though given down, throughout their Report and public money, and so be accounted for in the same manner that other public money is usually accounted for. But the reason, I apprehend, is wholly misapprehended, as will appear by shortly stating the fact itself. By the statute which the foreign powers for the hire of their troops, the whole salaries regulated for, are due, and the receipt is by them given for the whole money, which is a sufficient voucher to discharge the pay-master in the Exchequer, and thereby the account, as to the public. This deduction so made, does not properly come out of the Exchequer, but of the money of the foreign troops, for their proportion of the contingents; and therefore I still apprehend, I speak properly when in my letter I shew, that this two and a half per cent. does not belong to the public account. But as this deduction arises from the agreement set on foot by his late majesty, and confirmed by her majesty, as it comes to him as a proprietor of the expense, which ought to fall upon the foreign troops, and being applied to a part of the public service, gentlemen may, if they think fit, in this sense, call it public money, to be accounted for, in such a manner as the nature of the secret service requires for.

"Having thus explained this matter to you, I beg the pardon of the House to go on, and consider the particular remarks that have been made upon it.

"First, it has been objected that her majesty's warrant has been kept dormant for some years, and the deduction recorded from the knowledge of the parliament, but surely the warrant cannot be said to have been kept dormant, that has been lodged in the hands of the pay-master general's deputy in Holland, which was delivered to me out of the office of the secretary of state, signed by her majesty, and counter-signed by him in all war times are, and which could not possibly be recorded from the remembrance of so many foreign troops, nor raised from the troops themselves, which could of so many thousands men without whose knowledge the deduction could not have been made; and that, if it had been

the last money to them, would no doubt be complained. In what sense can this be called a demand warrant, which, from the time it was issued, had been in the hands of the paymaster, and consequently not publicly put in circulation? The Report adds, that the deduction in 1792 of 40,000*l.* from the permanent war account, which I have not enlarged sufficient reason, but as there has been no consequence, there could be no real objection to the money for so much less was it necessary to the accounts of the money before the parliament, it being no part of the business for the service, nor of any advance on the money to be given to parliament. For the substance in the foreign troops is provided by previous treaties, and therefore must have continued the same, though the deduction had not or have made. Besides that the Exchequer is discharged of this money, as the receipt from the foreign troops for the same is already. I have said in my letter, that deducting a free gift of the foreign troops does not possibly relate to the public accounts, upon which the Commons were observing, that this is inconsistent not only with the mode of the warrant, which supposes an advance, but with that part of the letter which takes notice of the stoppage, as to be stoppage for by, as an advance, and in fact, the Report concludes, that this money is to be advanced but, under public account. But this observation tends to be grounded upon the usual notion of public money, which, as has been already observed, being money of money granted by parliament, and standing in charge to the Exchequer, as such to be applied to this payment; which is a contribution by the foreign troops, out of their own money, and not out of the money of Great Britain. I might say that though this deduction has been admitted as to the foreign troops during the war, yet it is so far redundant at that day, that it depends solely upon a parole regularity, and when warlike shall be given, and, at a y time, be extended but by these. This Report further alleges, that the 10,000*l.* given for Landragens, is not included in the British troops, but now intended to be the 40,000*l.* more, without deduction. The contrast to this is evident, but, as I have said last party before the House, it is plain that this is given for the British troops, and not for the rest of the 40,000*l.* more, but in the estimate for the foreign troops, the bill of Comptroller is inserted, for no other reason, but because by this warrant it was effectually provided for; and therefore the words of the warrant are by detaching contingent expenses relating to them, which is plainly and appears to the contingent money allowed for the army's own troops, and the like contingent money has not only been allowed upon other parts of the service, but a well appear, examining what has been so allowed, that it has been extended in proportion what has been so allowed for the army in Flanders. But the Report adds, that the 10,000*l.* has not been thought exempt from account, as ap-

pears from a petty reel bearing date in March, 1795, whereas there is a clear releasing out from a sum, part of the 10,000*l.* which the Report said, supposes it had reference back to its account in it. When I say so in my letter, that the 10,000*l.* given by parliament, is without account, I mean not, I mean it is without account understood. The nature of the charge not admitting of a particular account, and the common practice never requiring any. In all the accounts during the war, as they are, my receipt has been a sufficient discharge, but that not being a regular voucher for the payment, it has been thought necessary from time to time to grant a petty reel, to enable the paymaster to pay that part of his account, and though there be that charge entered in the petty reel, contained in the report, of which, I dare, I was under ground, I yet presume to say, that it was not only nothing, but also contrary to all practice, both before and since; for the result of which, I appeal to the parliament-general, who will do me justice in, I say, gentlemen can decide it.

"As to the legality of the Warrant, which is the next objection, the Comptroller having barely touch of us then, as not duly counter-signed, I think it sufficient to say, that the Warrant, being positively intended for confirming an agreement with the foreign princes, was properly counter-signed for the Secretary of State for that purpose, rather than by the Lord Treasurer, who could have nothing to do with it; however, I must confess, that as ever of this kind, if any body should think it so, which depends upon a money, cannot be thought to affect the general, whose part has only been to apply the money as the warrant directs.

"But it is further remarked, that neither the stoppage nor payment of this money have been regularly made. First, as to the stoppage, because the warrant directs it should be stopped in the hands of the pay master, or his deputy. But this method does not appear, by the Comptroller's account, to have been pursued, but on the contrary, it is said, that the payment to the foreign troops are always complete, and the receipts taken in full, without any notice of the deduction. But yet I presume to say, the stoppage has been regularly made, in pursuance to the warrant. The deputy pay-master is expressly authorized by the warrant, to make the stoppage; and it is of necessity he should make it, who renders account, where the money must be accounted, and the stoppage applied. And it may not be amiss to observe, that the cases where deductions are intended to be accounted for, as public money, the warrant, which authorizes such deduction, directs the same to be accounted for, and the manner in which it is to be done. But where deductions are made by virtue of warrants that contain no such directions as those, as in the present instance, it hath been presumed, that there was no intention such deductions should be accounted for to the public.

"Next, as to the payment, this is said to be

anding foreign Protestants, with some additions to which the Commons agreed."

"On the 9th of February was reported the act for restoring foreign Protestants, which had been under the last session, and, as most people thought, to very ill purpose. By this way of business, who would take the notice of the government, and profess himself a Protestant, or whatever denomination, was immediately admitted, and had all the privileges of an English-born subject, at the expense of a dollar. Most Protestants abroad differ much in the points of religious government; so that all the inconveniences by this act would increase the number of dissenters; and therefore the proposal, that such foreigners should be obliged to conform to the established worship, was rejected. But because several persons were fixed on this project, as a thing that would be of mighty advantage to the Kingdom, I shall say a few words upon it. The reason, 'That people are the riches of a nation,' hath been usually understood by many writers and reasoners upon that subject. There are several ways by which people are brought into a country, sometimes a notice is needed and solicited, and the conquerors seize the lands, and make the natives their vassal-towns or servants. Colonies have been always planted where the natives were driven out or destroyed, or the land overgrown and waste. In those countries where the kind of the soil is master of the labour and liberty of his tenants, or of slaves taught by his industry, men's riches are reckoned by the number of their vessels. And sometimes, in governments newly inhabited, where there are not people to till the ground, money has here been made to encourage and allure settlers from the neighbouring countries. And, in all these cases, the free commons have either been aliened them, or are aliened to the possessors. But to render helpless families, by thousands, into a kingdom, without the care without lands to give them, and where the law will not allow that they should be part of the property as servants, is a wrong application of the reason, and the more wrong, as great, as is often dropped at the doors, which are only a shelter and charge to the parish. The true way of supplying mankind to public advantage, in such a country as England, is to receive from abroad only able handicraftsmen, and as sailors, or such who bring over a sufficient share of property to secure them from want, to erect and enforce necessary laws against idleness and all excesses in drinking, gaming, and the like, to encourage matrimony, and reward, as the Romans did, those who have a certain number of children. Whether bringing over the Protestants was a more consequence of this law for a general reformation, or whether it may be said, as had some other reasons, happened necessarily, by the act, that the public was a loser by every individual among them; and that, a Kingdom consequently be the richer by such an importation, than a man-

Reformation of the Commons about the state of the War.] That, as I said, however, is a Consideration of the whole, I must not only consider about the House, as it is, and being concerned the Parliament, and to there, after a long debate, came to the following Resolutions:

1. That the Service General have been deficient in the proportion of 10,000 men, in proportion to the strength still provided by our Majesty, from 1704 to 1713, and gradually more than 50,000 men. 2. That towards the carrying on the War in Spain, in order to reduce it to our obedience, the King of Austria, under the late Emperor, was his present Imperial Majesty, has been obliged to send on their own account, from 1704 to 1713, and then only a Regiment of Foot, consisting of 6,000 men. 3. That the Service General and paid by his Majesty for the war in, on the War in Spain, from 1704 to 1713, inclusive, amounted to 27,317 men, besides 11 battalions and 18 squadrons, in which his Majesty has paid a subsidy to the Emperor. 4. That the Service supplied by the States General, for the service of Spain, from 1704 to 1713, both inclusive, have amounted to no more than 17,000 men, and that from the year 1708 to the present time they have sent them no forces at all. 5. That his Majesty has not only exceeded her proportion of 17,000 men, according to the Treaty entered into for the service of the war in Portugal, but has taken upon her the Emperor's proportion, by supplying two thirds, when the States General only furnished one third for that service. 6. That by the Treaty with the King of Portugal, there was to be furnished 12,000 foot, and 3,000 horse, at his own expense; and, in consideration of a subsidy to be paid him, 11,000 foot and 3,000 horse more; notwithstanding which, it appears, that the King of Portugal did not furnish 13,000 men in the whole. 7. That since the year 1703, when the English and Dutch married one Castle, and returned so near into Portugal, her Majesty has replaced more than 100,000, according to her proportion, and the States General have not had any troops in Portugal. 8. That the first proportion of 100,000 to 200,000, agreed upon between his late Majesty King William and the States General, for the service of the war in Flanders, has not been observed by the States General. 9. That the States General, during the course of the war, have furnished less than their proportion in Flanders, 20,221 men. 10. That the resolution for prohibiting all Trade and Correspondence between Holland and France, on which the troops of expedition were posted in 1703, and afterwards continued, has not been observed by the States General. 11. That, at the breaking of this war, the Subsidies were paid as equal pro-

portion by each, which is a right, and is common, at law, and otherwise, that more redress, which would otherwise diffuse itself through the whole body." *Arch's Four Last Years.*

was sent by her majesty and the States General but her majesty has since paid more than her proportion, 3,155,000 crowns."

These Resolutions were next day reported by Mr. Canning, and agreed to by the House.

Bill to limit the Number of Officers in the House of Commons.] Feb. 2. The Commons ordered a Bill to be brought in "for securing the Freedom of Parliament, by limiting the number of Officers sitting in the House of Commons," and Mr. Stanbury, Mr. Haydnam, and Mr. Cressel, were named to prepare and bring in the same.

Feb. 3. Mr. Wortley presented the said Bill, which was read the first time, ordered a second reading, passed, and shortly after sent up to the Lords.

Address for the Instructions, &c. about the Barren Treaty.] Feb. 11. The Commons resolved to address the queen that all her commands and Orders given to the plenipotentiaries, that transacted the Barren-Treaty, and also all Treaties mentioned and referred to in the said Treaty, might be laid before the House, except such Treaties as were already before the House. Which Address, being presented by Mr. Secretary St. John, was readily complied with.

The Commons vote to stand by the Queen, and to consider of the Laches of the Press.] Feb. 18. The Commons came to an unanimous Resolution, "That the House will effectually stand by, and support her majesty in all things recommended to them in her majesty's most gracious Speech from the throne; in this, that they would upon that day rehearse, in a committee of the whole House, consider of that part of her majesty's Message to the House the 17th of January last relating to the great losses taken in publishing false and

misleading Intelligence, and the consideration of the same may, as particularly pointed out in the said Speech."

Resolution concerning the Barren-Treaty, &c. [Feb. 18.] The Commons being by this time furnished with all the papers relating to the Barren-Treaty, and the same read in relation to a full committee of the whole House, and came to the following Resolutions:—

"That the House seemed to have nothing more at least than a strict inquiry into the nature of the nation, with respect to foreign affairs. Some drawings had been published in print, about the beginning of the session, badly explaining of certain articles in the Barren-Treaty, concluded about three years since by a well known Parliament, between Great-Britain and the States General; and throwing in every particular, the unequal conduct of the parties in the alliance, in furnishing the queen and supplies. It was answered by the same writers, 'That these hardships put upon England, had been counteracted and recovered by a party here at home in order to preserve their power, which could be rendered more enhanced than by concerning the war, as well as by her majesty's General abroad upon account of his own private interest and greediness.' These bad arguments spreading themselves throughout the Kingdom, delivered to him directly charged, and thought, whether true or not, to be but too fully credited, had sufficiently prepared the minds of the people, and by putting arguments into every body's mouth, had stirred the passions and every war controversy, both in a rising and declining. The point appeared to be of great consequence, whether the war continued or not: for as it grew near, it was necessary that the ally should be brought to a more equal regulation, and, that the House in particular, for whom her majesty had done such great things, should explain and correct those articles in the Barren-Treaty which were prejudicial to Britain, and, in other case, it was in the people's hands at least the introduction of knowing by whose conduct, and for what designs, they had been so hardly treated.—In order to the great inquiry, the Barren-Treaty, with all other treaties and agreements entered into between her majesty and her allies, during the present war, for the raising and augmenting the proportions for the service thereof, made by the queen's directions, had before the House.—Several Resolutions were drawn up and reported in relation to the said alliance, upon certain Articles in the Barren-Treaty, and upon the state of the war, by all which it appeared, that whatever had been charged by public discourse in print against the said alliance, and the conduct of the allies, was much less than the truth. Upon these Resolutions (by one of which the Lord Proprietor Townsend the captain and signed the Barren-Treaty, was de-

"That the Commons vote up a Bill for securing the freedom of parliament, by limiting the number of members in that House who should be allowed to possess employments under the crown. Bills to the same effect, presented by both parties, had, after making the like progress, been rejected in former parliaments, the court and ministry, who will ever be against such a law, having usually a greater influence in the House of Lords, and so it happened now. Although that influence were less, I was apt to think that such a law would be too thorough a reformation in our point, while we have so many corruptions in the rest; and perhaps the regulations, already made on that article, are sufficient, by which we are employed in respectable a man from being chosen a member, and all of them being it to a new election. The my own part, when I consider the temper of particular persons, and by what means they have acted (almost without exception) in their private capacities, I cannot conceive how such a bill should obtain a majority, unless every man expected to be one of the little, which, I think, was the language intended." Swift's Four Last Years.

1. That in the Treaty between her majesty and the States-General, for securing the Succession to the crown of Great-Britain, and for settling a Barrier for the States-General against France, in order to the securing the Protestant Succession, and providing a sufficient Barrier against the French against France, and against the destruction of the trade and navigation of Great-Britain, and therefore highly desirable in her majesty: 2. That it appears that the Lord Treasurer had not any order or authority for expending or receiving several Articles in the said Treaty: 3. That it had been reported, and was reported, that signed and all those who set out the carrying of the said Treaty, are enemies to the queen and kingdom: which Resolutions were on the 16th agreed to by the House.

Resolutions on the State of the War in Spain [Feb. 28. A Committee of the whole House met into consideration the State of the War, and resolved, "1. That it hath appeared to the committee, that the charge for Transport-Services, concerning the war in Spain and Portugal, from the year 1711, inclusive, amounted to 1,582,725*l.* 1*8s.* 11*d.*—2. That there has been paid by her majesty, for contingencies, Bread, and Bread-Waggons, Forage, and all other circumstances, both for the English and Foreign troops in Germany, Flanders, Italy, Spain, Portugal and Sicily, from the 14th of June 1703, as far as the same hath been returned from abroad, several sums, amounting, on the whole, to 2,427,264*l.* 1*8s.* 11*d.*—3. That the charge of Transporting the Land-Force for the service of the war has amounted to 262,725*l.* 1*8s.* 6*d.*—4. That the charge of her majesty's ships and vessels, employed in the service of the war in Spain and Portugal, reckoned after the rate of 4*l.* a ton per month, from the time they sailed from home till they returned, were lost, or put upon other service, amounted to 2,540,264*l.* 1*8s.*—5. That as honorable Representation by notice to her majesty, upon the Resolutions of the House, relating to the State of the War, and the Treaty between her majesty and the States-General, for securing the Succession to the crown of Great-Britain, and for settling a Barrier for the States-General against France, and also humbly to desire her majesty, that she will be pleased to order her ministers to treat with the Emperor, that the Successors of all the territories and places restored or added to the House of Austria, during this war, (over and above what is necessary for their defence) may be applied for the carrying on the war in Spain; and to assure her majesty, that the House will enable her majesty to bear her share of any further expense, that shall be

wanted by us and him, in proportion to what the emperor, and the other allies shall actually furnish for those services, and that as to other parts of the war, to which her majesty is obliged by particular treaties to contribute, that her majesty will, for the future, only furnish troops and pay soldiers, or proportion to what her allies shall actually furnish and pay."

These Resolutions were reported on the 16th and agreed to by the House, and a committee was appointed to draw up the said Representation according to the said Resolutions, and upon the Debate of the House, another Committee was appointed to consider of the Address committed to Messrs. and Clarendon of the House; and also the Address relating to the Hospital abroad.

Resolutions against Mr. Carleton [Feb. 28. Mr. Carleton, one of the Commissioners of the Public Accounts, presented the House, that there had been several Depositions and other Papers relating to the matter, in their Report, which he presented to the House. Then the order at the next day was read, for taking into further consideration the said Report: and the said Depositions and Papers were also read: and three parts of the said Report which related to Mr. Carleton,^a and to David Dalrymple (who was named, were read; and Mr. Carleton was heard in his place; and then he withdrew. After a long debate it was resolved by a majority of 183 voices against 66 "1. That the taking a History of 200 gold ducats, annually, from the Commissioners for Bread and Bread-Waggons for the army in the Low Countries, by Adam Carleton, esq. (Secretary to the General there) a member of the House, was unwarrantable and corrupt. 2. That the said Adam Carleton, esq. be, for the said offence, expelled the House."

3. That David Dalrymple was heard in his place, and then that part of the said Report was read, which related to Mr. Sweet, deputy paymaster at Amsterdam, after which it was resolved, "That the one per cent. received by Mr. Sweet, deputy-paymaster at Amsterdam, upon the payments made by him to the Commissioners for furnishing Bread and Bread-Waggons, to the Low Countries, is justly his own, and ought to be accounted for," and ordered, That the said Report of the Commissioners of Accounts, together with the Depositions and Depositions relating therewith, with the Resolutions of the House thereupon, and her majesty's gracious Answer to the Resolutions laid before her, be printed.

The Queen's Message to the Commons concerning Private Papers's Proprietor [Feb.

closed on Monday to the queen and kingdom,) and upon some further directions to the committee, a Representation was formed, and was after the Commons in a body presented to the queen, the substance of the address partly not providing to have it recommended.^b Swift's *True Lambeth*: &c.

^a "Mr. Carleton, a member of parliament, and Secretary to the General in Flanders, was expelled the House, for the offence of receiving yearly bribes from those who had contracted to furnish bread for the army: and was with no further punishment for a practice, voted to be unwarrantable and corrupt." Swift's *True Lamb*.

25. Mr. Secretary St. John announced the House, That he had received her majesty's command, to communicate to that House a Proposition made to her majesty by general Ingouss of Italy, in the name of the emperor, for the conquest of the West Indies, &c.

"The proposed conquest, being, doubtless, a great one, will be sufficient for this session, and if at the whole end of it the war is again any amount to a new form of war, towards which has appeared to go to them to make up the troops which he has in that country to defend men, and to take new notions of crown upon him self."

Representation of the Commons to the Queen on the War in Spain, the Russian Treaty, &c. of the State of the Russian March. See Thomas Hauser's report from the Committee, in which it was resolved to draw up a Representation to be made to her majesty. That they had drawn up the same in words, which they had directed him to report to the House, and he read the same in her place, and afterwards delivered it in at the table, where it was read. And a motion being made, and the question put, That the said Representation be presented, it passed in the negative. After which it was resolved, That the said Representation be presented to her majesty by the whole House: which was done accordingly on Thursday the 4th inst. as follows.

"Most gracious Sovereign,

"We your majesty's most devoted and loyal subjects, the Commons of Great-Britain in parliament assembled, having nothing so much at heart, as to consider your majesty to have the long and expensive war to us honourable and happy conclusion, have taken it into our most

"Feb. 20. Sir Thomas Hauser a chairman of the Committee for drawing up a Representation of the State of the Nation, to the Queen, where all the wrong ways of the others and late memory about the war, will be compared. The Secretary, I suppose, was helping him about it to-day, I believe it will be a paper. —Feb. 21. I was engaged at seven to go to Sir Thomas Hauser, who asked I would we had at that hour. He has more war, that I would help him to draw up the Representation, which I consented to do, but I do not know whether I shall succeed, because it is a little out of my way. —Feb. 22. I attended Hauser this morning, and there was the Secretary and Chancellor of the Exchequer very busy with him, laying their heads together about the 'Representations.' —March 3. The 'Representations' is printed. I have not seen it yet; it is plucky severe then say." South's Journal.

"The Representation (reported on by the work of Sir Thomas Hauser's pen) is written with much energy and spirit, and will be a very useful and authentic record, for the assurance of those who, at any time, shall condemn to write the history of the present war." South's Four Last Days.

serious consideration, how this necessary step can be proceeded by us, may be best applied, and how the communications may in the most effectual manner be carried on by the united force of the whole Confederacy. We have thought ourselves obliged, in duty to your majesty, and in discharge of the trust reposed in us, to present this bill with some of the considerations on parts; we have accordingly regulations have been entered into between your majesty and your allies, and how these engagements have on each side been made good, we have considered the different interests which the confederates have in the success of this war, and the different advantages have been derived to its support. We have, with our utmost care and diligence, endeavoured to discover the nature, extent and change of it; the end, that, by comparing the weight of it with our strength, we might adapt the course the others in such measure, as neither suffering your majesty's subjects under a heavier burden than is reason and justice they ought to bear, nor destroy your majesty, your ally, and ourselves, by undertaking more than is nature, in its present circumstances, is able to perform.

"Your majesty has been graciously pleased, upon our humble application, to order such materials to be laid before us, as have furnished us with the necessary information upon the particulars we have acquired into, and when we shall have laid before your majesty our observations and humble advice upon the subject, we propose to continue the happy first form. That, if your majesty's generous and good purposes for the procuring a safe and happy peace should, through the elasticity of the treaty, or by any other means, be unhappily delayed, a true knowledge and understanding of the present condition of the war, will be the best foundation for a more happy and equal management of it for the time to come.

"In order to take the more perfect view of what we propose, and that we might be able to set the whole before your majesty in a true light, we have thought it necessary to go back to the beginning of the war, and lay down to choose the motives and reasons upon which has late majesty King William engaged in it. The Treaty of the Grand Alliance explains these reasons to be, for the supporting the pretensions of his imperial majesty, then actually engaged in a war with the French King, who had usurped the crown of Spain; for his guarding the Duke of Anjou, and for the maintaining the States-General, who, by the loss of their Barrier against France, were threatened the name of a more dangerous confederate, than if they were actually invaded. As these were the just and necessary motives for undertaking this war, so the ends proposed to be obtained by it were equally just and honourable: for, as they are set forth in the eighth article of the same Treaty, they appear to have been, the procuring an equitable and reasonable satisfaction to his imperial majesty, and assisting

accounts for the dominions, provinces, navigation and commerce of the king of Great-Britain and the States-General, the ranking official provision, that the two kingdoms of France and Spain should never be united under the same government, and particularly, that the French should never get into the possession of the Spanish West-Indies, or be permitted to add thereto upon the account of trade, under any pretence whatsoever, and finally the securing to the subjects of the king of Great-Britain and the States-General, all the same privileges and rights of commerce throughout the whole dominions of Spain, as they enjoyed before the death of Charles I. king of Spain, by virtue of any Treaty, agreement, custom, or any other trap whatsoever. But the obtaining these ends, the three contracting powers, engaged to assist one another with their whole force, according to such provisions as should be specified in a pacta or Convention afterwards to be made for that purpose. We do not find that any such Convention was ever made, but it appears, that there was an Agreement concluded, which, for common consent, was understood to be binding upon each party respectively, and according to which the parties as to Great-Britain were from the beginning regulated and bounded. The terms of this Agreement were, that for the service at land, his imperial majesty should furnish 80,000 men, the king of Great-Britain 50,000, and the States-General 100,000, of which there were 175,000 intended to supply their garrisons and 60,000 to act against the common enemy in the field; and with regard to the operations at the war at sea, they were agreed to be performed jointly by Great-Britain and the States-General, the number of ships to be furnished for that service, being five frigates on the part of Great-Britain, and three frigates on the part of the States-General.

* Upon the foot the war began in 1702, at which time the whole yearly expense of it in England, amounted to £,150,000; a very great charge, as it was then thought, by your majesty's subjects, after the short interval of war they had enjoyed from the burden of the former war; but yet a very moderate proportion, as compared with the load which hath since been laid upon them, for it appears, by accounts given in to your Committee, that the most necessary to carry on the service for the present year, amount to more than £,600,000 besides interest for the public debt, and the defences against the last year, which our articles require £,545,000 more: So that the whole demands upon your Committee, are found to more than 8 millions for the present annual supply. We know your majesty's tender regard for the welfare of your people, will make it easier to you, to bear of so great a pressure as this upon them; and as we are assured it will fully convince your majesty of the necessity of our present supply, we beg leave to represent to you from what causes, and by what steps the said charge appears to have grown upon us.

" The service at sea, as it hath been very large and extensive in itself, so it hath been carried on through the whole course of the war, to a somewhat highly disadvantageous point of expence and your majesty, for the necessity of always improving, the great fleet should be fitted out every year, as well for the maintaining a superiority at the Mediterranean, as for opposing any force, where the enemy might appear, either at Dunkirk, or in the parts of West-India, your majesty's example and resolution at fitting out your properties of ships for all parts of that service, have been so far from pleasing with the States-General to keep pace with you, that they have been slower at every year to a greater degree in proportion to what your majesty hath furnished, sometimes no less than one-third, and generally more than half of their quota. From hence your majesty has been obliged, for the protecting disadvantages in the most pressing service, to supply those deficiencies by aids and reinforcements of your own ships, not least the increase of such a charge born the only ill consequence that attended us, for by diminishing the fleet of the Navy hath advanced, so that the demands arose upon the credit of it, have effected all other parts of the service, from the same cause, your majesty's ships of war have been forced in greater numbers to continue in service at sea, and at unreasonable times of the year, to the great damage and decay of the British Navy. This also hath been the consequence, that your majesty's ships have overground in your service for trade, your credit have been exposed for want of a sufficient number of masters to guard them, and you have been disabled from answering the wrong in their most beneficial commerce with the West-Indies, from whence they received those supplies of treasure, without which they could not have supported the expence of the war.

" That part of the war, which hath been carried on in Flanders, was it first immediately necessary to the security of the States-General, and hath since brought those great expences both of men and money. Yet, even there, the original proportion have been departed from, and, during the course of the war, have been swelling, by degrees, on the part of Holland; so that, in this last year, we find the number of ships they fell short of three thousand, so your majesty's two fifths, have been 20,000 more. We are not acquainted, that, in the year 1765, a Treaty was made between the two nations, for a joint augmentation of 20,000 men, whereas the proportions were varied, and England consented to take half upon itself's ship it having been intended, as an express condition to the grant of the said augmentation in parliament, that the States-General should prohibit all trade and commerce with France; and that condition having not been performed by them, the Convention that is reasonable, that the first six of three to two parts so have taken place again, as well as that in another

subsequent negotiations: more especially when they consider, that the necessity of those such provisions which have been computed, would, if they were duly applied, amount to a great number of additional taxes against the common enemy, notwithstanding which, the States-General have raised none upon that account, but make use of those fresh supplies of money, only to ease themselves of the charge of their first established debts.

"As, in the progress of the war in Flanders, a disproportion was soon created, to the prejudice of England; in the very beginning of the war in Portugal brought an unequal share of burden upon us. For although the emperor and the States-General were equally partners with your majesty in the treaty with the king of Portugal, yet the emperor neither furnishing his third part of the troops and subsistence stipulated for, nor the Dutch consenting to take an equal share of his imperial majesty's debts upon themselves, your majesty hath been obliged to furnish two thirds of the entire expense created by that service: nor has the inequality stopped there, for ever since the year 1706, when the English and Dutch forces marched out of Portugal into Canada, the States-General have entirely abandoned the war in Portugal, and left your majesty to prosecute it single at your own charge, which you have accordingly done, by replacing a greater number of troops there, than even at first you took upon you to provide. At the same time, your majesty's general undertakes for the support and defence of the king of Portugal, have been but it exceeded by that prince himself; for notwithstanding that, by his treaty, he was obliged himself to furnish 12,000 foot, and 3,000 horse, upon his own account, besides 11,000 foot and 3,000 horse more, in consideration of a subsidy paid to him; yet, according to the best information your Commons can procure, it appears, that he hath since at any time furnished 13,000 men in the whole.

"In Spain the war hath been yet more unequal and burdensome to your majesty, than in any other branch of it, for being commenced without any treaty whatsoever, the allies have almost wholly declined taking any part of it upon themselves. A small body of English and Dutch troops were sent thither, in the year 1705, not as being thought sufficient to support a regular war, or to make the conquest of so large a country, but with a view only of assisting the Spaniards to retake Gibraltar upon the throne, occasioned by the great misadventure which was given off their inclination to the house of Austria: but this expedition failing, England was necessarily drawn into an established war, under all the disadvantages of the distance of the place, and the feeble efforts of the other allies. The account we have to lay before your majesty, upon this head is, that although this undertaking was entered upon at the particular and earnest request of the Spanish crown, and the

cause of no less importance and concern to them, than the reducing the Spanish crown to the house of Austria, yet neither the emperor, nor his present imperial majesty have ever had any forces there on their account, till the last year, and then only a regiment of foot, consisting of 2,000 men, though the States-General have contributed something more to this service, yet their share also hath been considerably less in all space of four years, than 1705, so 1707, last inclusive, all the forces they have sent into that country, have not exceeded 12,000 men; and from the year 1700, to the same, they have not sent any forces or recruits whatsoever. To your majesty's care and charge, the recovery of that kingdom hath been in a manner wholly left, and more also were attended to, concerned in it, and the forces your majesty hath sent into Spain, in the space of 7 years, from 1705, to 1711, hath inclusive, have amounted to no less than 57,073 men, besides 12 battalions and 12 squadrons, for which your majesty hath paid a subsidy to the emperor; likewise the established capitals of such a number of new battalions, your majesty are well known, and your Commons very sensibly feel, but the weight with her should much greater, when it is considered how many hundreds of men and extraordinary charge have attended the raising and disbursing persons all which have been entirely derived by your majesty, except that out of transporting the few vessels which were sent to the Mediterranean, and retaking of them, during this transport war only. The accounts delivered to your Commons shew, that the Charge of your majesty's Ships and Vessels, employed in the service of the war in Spain and Portugal, increased after the rate of four pounds a ton per month, from the time they sailed from home, till they returned, were lost, or put upon other service, hath amounted to 8,340,267 l. 10s. The Charge of Transport on the part of Great Britain, for carrying on the war in Spain and Portugal, from the beginning of it till the same, hath amounted to 1,250,718 l. 10s. 11d. That of Victualing Land Forces for the same service, to 761,770 l. 10s. and that of Garriement, and other Expensidues for the same service, to 1,400,333 l.

"We should take notice to your majesty of several sums paid upon account of Conspicuous and Quarantines in Flanders, making together the sum of 1,167,663 l. but we are not able to make any comparison of them with what the States-General have expended upon the same head, having as well said of their extraordinary charge before us. They remain, therefore, but one particular more for your majesty's observation, which sums bear the Subsidies paid to foreign powers. These, in the beginning of the war, were borne of equal proportion by your majesty and the States-General; but as the war wore away, the balance hath been cast in prejudice of your majesty: for it appears, that your majesty

will be sufficient, of more than your equal strength, in the most various, broader, deeper, and more extensive, and not included in any of the foregoing details, which also is not a list.

We have said these several particulars before your inquiry, in the shortest manner, as has been able, and, by an estimate founded on the preceding facts, it does appear, that, even, and above the quota, on the part of Great Britain, according to those estimates, by your allies, more, than 15 millions, have been expended by your country during the course of that war, for a vast weight of armaments, in relation to which, some of the considerations have touched very strong alterations.

It is with great concern, that we find so much occasion given us to repeat, how it is not both have made of your majesty's and your subjects and for the common cause, that the nature of that cause hath not been personally possessed by it, but others only, have been cited as your majesty's and subjects' war, and have been concerned in it being their part of the burden upon our kingdom, although they have upon all accounts been equally, and, in most respects, much more nearly concerned than Britain, in the issue of the war. We are persuaded, your majesty will think it pardonable in us, with some resentment, to complain of the late regard which some of those, whose your majesty of late years entrusted, have shown to the interests of their country, in giving up, at home, to such unreasonable expensures upon it, it is in some measure compensating them the course of which expensures hath been so singular and extraordinary, that the more the weight of that nation hath been reduced, and the more your majesty's arms have been attended with success, the heavier hath been the burden laid upon us; while on the other hand, the more vigorous your majesty's efforts have been, and the greater advantages which have rebounded thence to your allies, the more those allies have shared in their share of the expensures.

At the first entrance into that war, the Commons were induced to exert themselves in the extraordinary manner they did, and to grant such large supplies, as had been unknown to former ages, in hopes, thereby, to prevent the machins of a lingering war, and to bring that, in which they were necessarily engaged, to a speedy conclusion: but they have been very unhappy in the event, whilst they have so much reason to suspect, that what was intended to shorten the war, hath proved the very cause of its long continuance; for those to whom the profits of it have accrued, have not been disposed ready to forgo them. And your majesty will soon discern whence the true reason, why so many have delighted in a war, which brought us so rich a harvest yearly from Great-Britain.

It is not for us to dwell, as we have

your majesty will be from excluding any person, but upon such well known terms, and we are far from intending to excite any animosity among all necessary and possible steps, for an effectual prosecution of the war, till such a peace can be obtained. All that your faithful Commons are at, all that they wish, is an equal concurrence from the other powers engaged in alliance with your majesty, and a just apprehension of what hath been already done, and then the entry towards promoting the common cause. Beyond large expensures and no states have been removed to the House of Austria, such as the kingdom of Naples, the duchy of Milan, and other places in Italy. Others have been conquered, and added to other dominions, as the two duchies of Parma and Lodi, the duchy of Mantua, and the bishopric of Lugo, its having been reduced to great confusion by our blood and treasure, may, we humbly conceive, with great reason be claimed to come in and towards compensating the war in Spain: and therefore we make it our warmest request to your majesty, that you would give satisfaction to your ministers to treat, with the emperor, that the restoration of those several places, excepting only such a proportion thereof as is necessary for their defence, be actually so applied. And as to the other parts of the war, to which your majesty hath obliged yourself by particular treaties to contribute, we humbly beseech your majesty, that you will be pleased to take effectual care, that your allies do perform their parts stipulated by those treaties; and that your majesty will, for the future, no otherwise furnish troops, or pay subsidies, than in proportion to what your allies shall actually furnish and pay. When this justice is done to your majesty, and to your people, there is nothing which your Commons will not cheerfully give, towards supporting your majesty in the course in which you are engaged. And whatever further shall appear to be necessary for carrying on the war, either at sea or land, we will effectually enable your majesty to bear your reasonable share of any such expensures, and will spare no supplies which your subjects are able with their utmost efforts, to afford.

After having requested us, and considered the State of the War, in which, the part your majesty has borne, appears to have been not only superior to that of any one ally, but even equal to that of the whole confederacy; your Commons naturally inclined to hope, that they should find, some had been taken of securing some particular advantages to Britain, in the issue of a future peace, such as might afford a prospect of making the nation amends in time for that immense treasure which has been expended, and those heavy debts which have been contracted in the course of so long and hard a war. The reasonable expectation would in any way have been better answered, than by some promise made for the further security, and the great improvement, of the

commerce of Great-Britain: but we find ourselves so very far disappointed in those hopes, that, in a Treaty not long since concluded between your majesty and the States-General, under a colour of a mutual guaranty given for two parties of the greatest importance to both nations, the Succession and the Barrier, it appears, the interest of Great-Britain, both been not only neglected, but sacrificed; and that several articles in the said treaty are destructive to the trade and welfare of this kingdom, and therefore highly dishonourable to your majesty.

"Your Commons observe, in the first place, that several towns and places are, by virtue of this treaty, to be put into the hands of the States-General, particularly, Newport, Oudenard, and the Castle of Obery, which one, as we ever be looked upon as a port of a barrier against France; but, being the Keys of the Netherlands towards Britain, must make the trade of your majesty's subjects in those parts precarious; and whenever the States shall so, totally exclude them from it. The pretended necessity of putting these places into the hands of the States-General, in order to secure to them a communication with their Barrier, must appear vain and groundless, for the sovereignty of the Low-Countries being not to remain in question, but to be found and finally, that communication must be always secure and uninterrupted. Besides that, in case of a rupture, or an attack, the States have full liberty allowed them to take possession of all the Spanish Netherlands, and therefore needed no particular stipulation for the towns above-mentioned.

"Having taken notice of this consequence made to the States-General for leaving upon the whole ten provinces, we cannot but observe to your majesty, that, in the manner this article is framed, it is an other dangerous circumstance which attends this treaty; for, had such a provision been confined to the case of an opposite attack from France only, the avowed design of the treaty had been disclosed, and your majesty's instructions to your ambassador had been pursued; but this necessary restriction hath been omitted; and the same liberty is granted to the States to take possession of all the Netherlands, whenever they shall think themselves attacked by any other neighbouring nation, as when they shall be in danger from France; so that, if it should at any time happen (which your Commons are very unwilling to suppose) that they should quarrel even with your majesty, the relief, strength, and actual assistance of these countries may be made use of against yourself, without whose generous and powerful assistance they had never been conquered.

"To return to those all consequences, which relate to the trade of your kingdom, we beg leave to observe to your majesty, that though this treaty mentions and renders your majesty a party to the fourteenth and fifteenth articles of the treaty of Maastricht by virtue of which, the importation upon all goods and manufac-

tures brought into the Spanish Low Countries by the sea, are to exceed those that on goods and merchandises imported by the Scheldt, and its branches of Rure and Waer, and other mouths of the sea adjoining, yet no care is taken to preserve that equality upon the exportation of those goods out of the Spanish Provinces, and those countries and places, which, by virtue of this treaty, are to be in the possession of the States. The consequence of which must in time be, and your Commons are informed, that in some instances it has already proved to be the case, that the importation upon goods exported into those countries and places by the subjects of the States-General, will be taken off, while those upon the goods imported by your majesty's subjects remain by which means Great-Britain will necessarily lose the most beneficial branch of trade, which it has been used upon possessed of, even from the time when those countries were governed by the House of Burgundy, one of the most ancient, as well as the most useful allies to the Crown of England.

"With regard to the other dominions and territories of Spain, your majesty's subjects have always been distinguished in their commerce with them, and, both by ancient treaties and an uninterupted custom, have enjoyed greater privileges and immunities of trade, than either the Hollanders, or any other nation whatsoever. And that war and modified Treaty of the Grand Alliance provides expressly for the security and continuance of these valuable privileges to Britain, in such a manner, as that such nation might be left at the end of the war upon the same footing as stood at the commencement of it. But this Treaty we now complain of, instead of confirming your subjects' rights, immunities and desires there, by although by the 16th and 17th articles of the treaty of Maastricht, made between his Catholic majesty and the States-General, all advantages of trade are repealed for, and granted to the Hollanders, equal to what the English enjoyed; yet, the Crown of England not being a party to that treaty, the subjects of England have never submitted to these articles of it, nor even the Spaniards themselves ever observed them; but this treaty revokes those articles in prejudice of Great-Britain, and makes your majesty a party to them, and even a guarantee to the States-General for privileges against your own people.

"Is how deliberate and extraordinary a manner your majesty's ambassador consented to deprive your subjects of their ancient right, and your majesty of the power of preserving them any new advantage, most evidently appears from his own letters, which, by your majesty's direction, have been laid before your Commons for, when reasons of advantage to your majesty and to your kingdom had been offered, as proper to be made parts of this treaty, they were refused to be admitted by the States-General, upon this reason and principle, that nothing brought to the possession of the Succession and of the Barrier, should be sought

with them; notwithstanding which, the States General had no other retained source of a supply of assistance concluded between your majesty and the present emperor, but they departed from the rule proposed before, and insisted upon the articles of which your Commons are complain'd, which articles your majesty's ambassador demand'd of, (although equally borne in the Treaty of, *ut supra*;) and although he had, for that reason, departed from other articles, which would have been for the service of his own country.

"We have likewise to trouble your majesty with general observations upon the Treaty, as it relates to, and affects the empire, and other parts of Europe. The weakness which arose from it to Great-Britain, are what only we have concern'd humbly to represent to you. As they are very evident and very great, and as it appears, that the late emperor, *Tierstein* had not any orders or authority for concluding several of these articles which are most prejudicial to your majesty's subjects, we thought we could do no less than declare your ambassador, who negotiated and signed, and all others who advised the ratifying of this Treaty, enemies to your majesty and your kingdom.

"Upon these faithful informations and advice from your Commons, we assure ourselves, your majesty, in your great goodness to your people, will remove these fatal these evils, which the private councils of dragging men have expos'd them to; and that, in your great wisdom, you will find some means for the explaining and amending the several articles of this Treaty, so as that they may consist with the interest of Great-Britain, and with a real and lasting friendship between your majesty and the *States-General*."

"Nothing could more amply justify the proceedings of the queen and her ministers, for two years past, than this famous Representation; the unanimous wisdom of the nation, after the strongest enquiry, confirming those facts upon which her majesty's counsels were grounded; and many persons, who were before inclin'd to believe that the allies and the late emperour had been too much led by the advice, misrepresentation, or ignorance of writers, were fully convinced of their mistake by so plain an evidence. Upon this occasion I cannot but bear strong justice to Mr. St. John, who had been Secretary of War, for several years, under the former administration, where he had the advantage of observing how often were managed both in house and abroad. He was one of those who shared in the present Treaty's fortune, renouncing up his employment at the same time; and upon that account's being again taken into service, that gentleman was afterwards again made Secretary of State. There he began directly, by the opposition of his nation, to look into past mismanagements, and by the force of his natural sagacity, and application to public affairs, joined with an in-

The Queen's dinner.] Her majesty gave the Answer.

"The Representation is a further instance of that devoted attention to my service, and concern for the public interest, which the House of Commons has always shewn.—You may be assur'd that I will give such orders as shall effectually remove what you desire of me in every particular."

Speech of Declaration of the Office of France for a General Peace.] The French plenipotentiaries at the Congress at Utrecht, did about this time deliver such Proposals in writing, as follows.

A *SEVERAL* DECLARATION of the Office of France for a General Peace, to the Satisfaction of all the Parties concern'd in the present War.

"The king will acknowledge at the signing of the Peace, the queen of Great-Britain to that quality, as also the Successors of that crown according to the present settlement, and in the manner her Britannic majesty shall please.—His majesty will cause all the fortifications of Dunkirk to be demolished immediately after the Peace, provided an equivalent be given him in his satisfaction.—The island of St. Christopher, Hudson's bay and areas of that name, shall be yielded up again to Great-Britain; and Acadia, with Fort Royal and the Fort, shall be restored entire to his majesty.—As in the island of Newfoundland, the king offers to yield up that also to Great-Britain, reserving only to himself the fort of Florence, and the right of catching and drying fish, as before the war.

"It shall be agreed to make a Treaty of Commerce before or after the Peace, as England shall choose, the conditions of which shall be made as equal between the two nations as they can possibly.

"The king will consent at the signing the Peace, that the Spanish Netherlands, which are given over to the Elector of Bavaria by the king of Spain, shall serve for a Barrier to the United Provinces; and to augment it, he will join thereto Flanders and the *Duchy* of Brabant or *duchy*, Namur, Tournay, and the castle of Namur, with its fort. In exchange, he solemnly demands to have the *Duchy* of France, Jura, St. Vrain, Bethune, Douay, and their dependencies.

"If the States-General are desirous to keep garisons in the fortified towns of the Barrier as limited of the dominions transferred to the Electoral Highness, and of what France shall choose of its own, his majesty consents, that they shall put their troops into them in as

visible eloquence, had open the scene of Misery and Corruption through the whole course of the war, in so evident a manner, that the House of Commons seemed principally directed in their conclusions, upon this subject by his oratorical skill and address? (Smith's Four Last Years.

great number as they please, and besides, that they shall be maintained at the expense of the conquerors.

"In consideration of this reason, and of the reasons, the king on his side demands, as an equivalent for the despoiling of Denmark, the commercial rights of Lube and Yarmouth, with their establishments and dependances.

"The Barrier thus regulated between France and the States-General, the king will grant for signifying the convenience of their subjects, what is required by the army of Hanover, and the advantage of itself of 1664, with an exception only of one sort of merchandise which shall be agreed on, and which shall be charged with the same duties that are paid at this time; as also the exemption of all salt put on the Dutch shipping that come into France from the United Provinces and foreign countries.

"As to the commerce of Spain and the Indies, the king will engage not only to the States-General, but likewise to her Britannic majesty, and to all the other potentates, by virtue of the power he has in this particular, that the said commerce shall be allowed entirely, and carried on in the very same manner as it was, under the reign, and till the death of Charles I. and will promise, that the French shall submit, to all the other nations, to the ancient laws and regulations made by the king her catholic majesty's predecessors, with respect to the commerce and navigation in the Spanish Indies.

"His majesty further conceives, that all the pretensions of Europe may now enter the purview of this promise. His majesty promises, that the king her gracious shall guarantee, for the sake of the peace, all pretensions to the kingdoms of Naples and Sicily, as well as to the duky of Milan, in whose name he will consent, that the part of that duky which is made over to the duke of Savoy, shall remain to his royal highness: provided that in consideration of this reason, the House of Austria do in like manner desert from all pretensions to the other parts of the remainder of Spain, from whence that House shall withdraw their troops immediately after the Peace.

"The finances on both sides upon the Rhine, shall be settled on the same condition as they were before the present war.

"In consideration of all the terms above specified, the king demands that the elections of Cologne and Buxara shall be re-established in the full and entire possession of their dominions, dignities, prerogatives, goods moveable and immovable, which they enjoyed before the present war; and reciprocally, his majesty will recognize in Germany and France, all the titles which he has not yet acknowledged.

"The king will restore to the duke of Savoy what he has taken from him during this war, as in the manner his royal highness shall remove to his residence his majesty from France; so that the limits on both sides shall be

the same they were before the declaration of war.

"All things as to Portugal shall be reserved, and remain on the same foot as Europe, that they were before the present war, as well with regard to France as to Spain; and as to the dominions that grow both in America, if there be any differences to settle, and wrongs shall be used to agree them amicably.

"The king will consent freely, and humbly, to take, in concert with the allies, all the most just measures, for lessening the crown of France and Spain from being ever united on the same head; that is to say, that one and the same prince shall never be emperor, king of both.

"All preceding treaties, that is, those of Münster, and others that have been made since, shall be approved and confirmed, to remain in their force and virtue, excepting only such articles, from which the Treaty of Peace now to be made shall derogate, or alter something. (Signed) "HUYELLER."

These Proposals of France were entertained with so universal an indignation, that it was soon to reconcile the two contending parties, both Whig and Tory suspending and renouncing their respective feuds, and joining to exert against the brightness of the common enemy, who even when he lay gasping for life, seemed to dictate to the conquerors.

[*Lord Balguy's Motion thereon.*] The lord Balguy made a motion in the House of Lords, on the 15th of February, for granting an Address to the queen, about the specific Offers of France, which his lordship called, "a flag, 'errogant, and injurious to her majesty and 'her allies." He was seconded by several peers of both parties, who said, in substance, "That those propositions ought to be rejected with the utmost indignation, that it plainly appeared France had no other design in view than to enslave and divide the allies; and in particular, that it was derogatory to her majesty's honour, to enter into any negotiation with that crown, before her majesty's just title was acknowledged." Some addresses were used to adjourn the debate to the Monday following, or, at least, to the next day; by suggesting, "That the Offers that were handed about, having got no other authority than their being inserted in the *Holland Gazette*, might not be genuine; and therefore the Lords might not to take any notice of them, till such time as the queen had communicated them to the House." But this, and other arguments were overruled, and it was resolved, without dividing, to address her majesty.

[*The Lord's Address thereon.*] A committee was thereupon appointed to draw up that Address, which, the same day, was reported and agreed to, and, by the whole House, presented next day to the queen, as follows:—

"Most gracious Sovereign; We your majesty's most devoted and loyal subjects, the Lords spiritual and temporal in parliament assembled

ing leave kindly to represent to your majesty the just indignation of this House, at the dishonourable treatment of your majesty by France, in having proposed to acknowledge your majesty's title to those estates no sooner than when the peace shall be signed. And we cannot but offer expressing our utmost engagement at the terms of peace offered to your majesty and your allies by the plenipotentiaries of France: And we do with the greatest zeal and affection, assure your majesty, that this House will stand by, and assist your majesty with our lives and fortunes in carrying on this war, in conjunction with your allies, till a safe and honourable peace can be obtained for your majesty and your allies."²⁹

The Queen's Answer.] The queen gave this answer.

" My Lords; I return you my hearty thanks for the zeal you express for my honour, and for the assistance you give of supporting me."

The Bill rejected by the Lords.] On the 29th of February, the Lords read the second part of the Bill from the Commons, for securing the Freedom of Parliaments, by limiting the number of Officers sitting in the House of Commons; Which being committed to a Committee of the whole House, their lordships immediately resolved themselves into that Committee; and after a debate which lasted till nine o'clock in the evening, the question being put, Whether the said Bill should pass? it was carried in the negative, by five or six voices. Some Peers, who were said to be for the bill, being absent, and not having left their places.

Vote against the Election of Mr. Robert Walpole.] March 2. The Commons took into consideration the merits of the Petition of Samuel Taylor, esq. and of the freemen and burgesses of the borough of King's Lynn, in the county of Norfolk, against the election of Robert Walpole, esq. and a motion being made, and the question put, that counsel be called, it passed in the negative. Then the writ for choosing a burgess for the said borough, in the room of Robert Walpole, esq. expelled the House, and also the sheriff of Norfolk's precept thereupon, and the selection of the return between the said Sheriff and the Mayor and burgesses of the said borough were read: After which it was resolved, " 1. That Robert Walpole having been, this session of parliament, committed a prisoner to the Tower of

London, and expelled this House, for an high breach of trust in the execution of his office, and notorious Corruption when Secretary at War, was, and is incapable of being elected a member to serve in parliament: 2. That Samuel Taylor is not duly elected a burgess to serve in the present parliament for the borough of King's Lynn, 3. That the last Election for a burgess to serve in the present Parliament for the said borough of King's Lynn is a void election." And it was then ordered, " That Mr. Speaker do cause his warrant to the clerk of the crown, to make out a new writ for the electing a burgess for King's Lynn, in the room of Robert Walpole."

Second Report of the Commissioners of the Customs and Excise of England.—*Revenue of Scotland.*—*Public Money remitted from Mr. Walpole's Accounts.*—March 17. The Second Report of the Commissioners of Public Accounts was laid before the House, as follows.

" Your Commissioners have humbly presented a State of the Receipts and Issues of your majesty's Exchequer, from the first of St. Michael 1710, to the first of St. Michael 1712, taken from the Returns made to them by the several officers concerned in the management of the public Revenue; to which they have here to add their Observations on some Matters of Fact, that have appeared to them in the prosecution of their enquiries.

" They do not presume to urge any reasons for their not having made a greater progress, because they humbly hope the House will believe their utmost application hath not been wanting. But they take liberty to repeat what they formerly mentioned, that the whole Accounts of the Army (which is the greatest branch of the public expense) are not yet delivered to them; though, as they are assisted by the paymasters of the forces abroad, all dispatch is used in preparing those accounts; and your Commissioners cannot effectually enquire into the Management of the Army which they have to view, till those Accounts are completely brought before them, and till they shall have compared the several facts with the particular Articles relating to them. For it is from thence they will be able to draw the best and truest observations, and to form the justest and most exact representations.

" Your Commissioners concluding it not improper to begin this Report with the Revenue of Scotland, because that Part is of consequence, and, in their opinion, highly deserving the consideration of the House, have accounted to them in the commencement thereof.

" But, before they offer their Observations, they must take notice of a very material circumstance relating to the Revenue; which is, that they cannot find any Commission for constituting Lords-Commissioners of the Treasury there, from the time of her majesty's accession to the throne, till after the Union. The last commission before the Union, bearing date the 29th of January 1686.—By an act of parlia-

²⁹ Feb. 16. The Lords have voted an Address to the queen, to tell her they are not satisfied with the King of France's Offer. The Whigs brought it in of a sudden; and the Court could not prevent it, and therefore did not oppose it. The House of Lords is too strong in Whigs, notwithstanding the opposition: for they are very diligent, and the Tories are lazy: the side that is down has always more industry. The Whigs intended to have made a vote, that would reflect on the Lord Treasurer: but their project was discovered. Swift's Journal.

ment period in Scotland, October the 5th, 1704, it is, amongst other things, enacted, "That no Commission civil or military, shall become void by the death of the King, but that the same shall continue in force the space of six months, unless recalled by the next successor." On the death of King William, a Proclamation was issued, by which all officers civil and military, were authorized and required to act in all things conformable to the last commissions and instructions they had from his late majesty, till new Commissions from the queen could be prepared and sent down to them.

"Some time after this, new commissions were sent down appointing all the officers civil and military in Scotland, except only those for the Treasury, for which no commission was granted by her majesty till the 22d of June 1707. Her majesty observed that by the usage of Scotland, when any alteration is made in the Treasury, it is not done by removing the commission, as here in England, but by a letter from the crown. And her majesty was pleased to make so many alterations, that the major part of the commissions were changed within the time of her accessions to the throne, and that of the Union, by letters in the form following :

"Whereas we have resolved to appoint A. B. to be one of the Commissioners of our Treasury, these are therefore to authorize and require you, to admit and receive him as one of our number; hereby giving and granting to him the same power and authority, with all privileges and immunities whatsoever, that we, or he, have been accustomed to any other Commissioners of Treasury, and declaring them to be void to him for his admission, as if he had been admitted and appointed, and by our Commissions granted to you under our Great Seal, whereunto we have thought fit to direct you."

"From whence it is observable, that the whole public Revenue of Scotland was for some time left without any legal direction or government. For the commission of King William could be continued by virtue of the act of parliament, no longer in force than six months, nor by the proclamation, any longer than till her majesty's signing the first letter, after the expiration of six months. For the words, 'As if he had been admitted and appointed' and 'by our Commissions granted to you under our Great Seal,' seem to decrease the effect of that proclamation, and suppose commissions granted by her majesty. But, allowing the first letter was not a total repeal of King William's commission, and only a repeal in part; yet it must be admitted, that no new letter from her majesty had added a majority of new commissioners, or so many as being joined with the lesser number of the old, would make a majority, thus the old commission was superseded and the Treasury under a new (if any) administration.

"Now, your Commissioners are hereby of

opinion, that these letters relating to a point which was never in being, wanted a foundation, and could by no construction of law ever have any operation or effect; and that those, who, under colour of them, were admitted into the Treasury, have acted without authority.—But we presume not to argue how far their proceedings may be thought illegal, or whether an injury may be said to have been done by the neglect or mismanagement, or how even with the methods here already born, or may hereafter be at Scotland, or how far it will involve the people there, who have been concerned in contracts, loans, purchases, or otherwise, with the Treasury.—But certain it is, that the public hath been rendered liable to every inconvenience, and her majesty's revenues have been decreased when she ordered long from the Treasury of England to the Treasury of Scotland, particularly that of 50,000*l.* in the year 1704. For the Treasury of Scotland not being then (as we observe) legally constituted, could neither give security for money lent, nor legally make payment of it.

"Your Commissioners therefore, with great submission, propose it to the house, whether this defect will not want the assistance of the legislature, or whether the present proceedings of the court of exchequer in Scotland, relating to any mismanagement of the revenue during the suspension of the commission and legal power of the Treasury, are not void; and consequently, whether the judgments grounded upon them will not be found inefficient.—But having humbly mentioned this circumstance of the Treasury of Scotland, we will proceed to the Revenue, and begin with an account of the loss of 50,000*l.* in the year 1704, as it appears to us, in the manner and by the evidence following.

"We, having granted to believe, that considerable sums of public money had been sent from England to Scotland, when the act of Union was under consideration in the parliament there, were led into the reasons aforesaid, and understanding that Mr David Nairn had been concerned in the receipt and remittance of 50,000*l.* we examined him on oath, and he declared to the effect following. That in 1704 he received the sum of 50,000*l.* at two several payments, 30,000*l.* on the 11th of October, and 20,000*l.* more on the 26th of November following, for which he gave two receipts to Sidney, earl of Godolphin, then Lord-Treasurer of England. That this money was lent, as he declared, by her majesty to the Treasury of Scotland, upon a representation from the duke of Queensberry, earl of Scotland, earl of Mar, and of London, and earl of Glasgow, that there were deficiencies in the Civil List, and upon their promise that it should be repaid, which he thinks, was accordingly done out of the Exchequer-money: that he was empowered by a letter from the lords of the Treasury in Scotland, to receive that money here, and to give it except to it, which he accordingly did and by their direction remitted it to the end of Glas-

at Edinburgh, but knows nothing certain of the distributing of it, has heard only, that it was paid to the Lord Tweedale, and other of the queen's servants.

"All which is confirmed by the end of Glasgow, who, in return is a Receipt of your Commissioners, after giving a particular account of the distributing of the 50,000*l.* in Scotland, delivers us with, (so we his own words) That it appeared with his own proper knowledge, that 12,000*l.* were paid back after the Union to the earl of Godolphin, then Lord-Treasurer.

"But your Commission touching no mention of the receipt of this sum of 12,000*l.* or of the other remaining part of the 50,000*l.* as the certificates, or books of the exchange, were wanting to make any representation of the Earl's duty had given the earl of Godolphin an opportunity of declaring what he knew of the Loan in Scotland, and on some questions proposed to his lordship relating thereto, he made the underwritten Deposition.

"The right honourable the earl of Godolphin being sworn, deposes, That he had the queen's commands in the year 1706, or thereabouts, when the Kingdoms of England and Scotland were separate, to lend to the Treasury of Scotland, the sum (as he thinks) of 50,000*l.* that he cannot recollect whether any part of it was repaid, but that he understood it was to be employed for her majesty's secret service in Scotland. *Continued.*
Jurat 10 Feb. 1712-13.

"The day after this deposition was made, his lordship transmitted the following Letter to your Commissioners.

"Gentlemen, Feb. 15, 1712-13.
"In pursuance of what I said to you yesterday at your board, I have endeavoured to recollect myself as well as I am able upon the subject you mention'd to me, and do believe, that 12,000*l.* or thereabouts, was repaid to the queen by her servants in Scotland, and to the use of her secret service, they perceived that her majesty was to require the remainder of the 50,000*l.* from them. I am, &c. *Continued.*

"P. S. "When I said yesterday, that I understood the money was to be made use of for the queen's secret service in Scotland, I only meant that I thought so, but was not certain of it.

"Your Commissioners, after the receipt of the Letter, gave the earl of Godolphin the trouble of coming to them a second time, and then his lordship was pleased to make another Deposition in these terms.

"The right honourable the earl of Godolphin being sworn, deposes, That the 12,000*l.* or thereabouts, mentioned in his lordship's letter of the 25th of February 1711-12, to the Commissioners of Public accounts, and said to be repaid, was not, as he remembers, repaid to his lordship, nor does his lordship know of any needful use of it, nor of any warrant for the disposal of the particular sum

where, the repayment of it, to any person whatsoever. *Continued.* Jurat 3 Mar. 1712-13."

"On a view of the whole Case thus stated, your Commissioners humbly offer the following Observations.

"That it is plain by the two letters from the Lords of the Treasury in Scotland, that the sum of 50,000*l.* was not advanced to them by way of secret service, or as a gift, but as a loan on promise of repayment, and receipts were accordingly given for it by their agent here, but your Commissioners are at a loss to explain some expressions in these letters, viz. That appears to the Union would make some sense if her majesty's letter was read in the Treasury, that they had been obliged to give promises to several persons, and, without the sum desired, they would be disappointed, which might prove of bad consequence, that they would not lose a shilling, that her majesty lends any money, &c. —Nor will we presume to guess at the reasons of these expressions, but humbly conceive, that, if the money had been fairly applied to the pretended purposes, there could have been no just occasion for so much caution and jealousy.

"But, whatever inducements the Lords of the Treasury in Scotland, might have for managing this affair as it respect a secret, we are of opinion that the persons employed here by her majesty ought not to have parted with the money, till her majesty's letter had been read in the Treasury of Scotland, and till a proper security had passed thro' for it —Whereas, it was paid on the receipt of a private agent, and at the request of private persons, for whose sake take leave to call the noble lords who signed these two letters in the earl of Godolphin, because they could not sign them as Lords of the Treasury, for, the earl of Mar was never in this commission, and the earl of London had the same time been removed from it.

"However, since the Loan was made (as appears by the Depositions on all hands) it is so to be considered, whether the money was ever repaid, and this cannot be so well understood, as by comparing the evidence of the two noble lords.

"That, then, the earl of Glasgow deposes in positive and express terms, That 12,000*l.* was paid back to the earl of Godolphin; and, in a letter to your Commissioners, he affirms, that he had already accounted with the earl of Godolphin for the money received, from the 1st of May, 1706, to the 1st of May, 1707, from England to Scotland, which evidence, must be allowed, would at least have been sufficient to charge the earl of Godolphin, with the receipt of 12,000*l.* had it not (as some instances) been contradicted by the earl of Godolphin's first deposition, whereas, his lordship was far from charging himself with the receipt of that particular sum, or with paying any amount with the earl of Glasgow for the whole, that he could not recollect, that any part of it was repaid; but says, that he understood, it was to be em-

played for her majesty's secret service in Scotland, nor is the various recorded, as your Commissioners' humble opinion, either by his lordship's Letter or subsequent Deposition.

"For though his lordship resolves himself in his letter, and says, That he takes in 25,000*l.* or thereabouts and repaid to the queen by her majesty's services in Scotland, and, to the best of his remembrance, they provided with her majesty not to repay the remainder of the 25,000*l.* and that when he said, he understood the money was for secret service in Scotland, he meant, that he thought so, but was not certain of it, yet that done, as he said, could no manner take the evidence of the earl of Glasgow; but this letter being sent only as a doubtful recollection, and the facts contained in it being offered with so much uncertainty, your Commissioners forbear to make any conclusions thereon."

"But the last Deposition seems to return to the first contradiction of the earl of Glasgow's evidence, for, notwithstanding his lordship does there admit the repayment of the 14,000*l.* or thereabouts, as mentioned in his letter, he denies it was repaid, as he remembers, to himself, and deposes, that he does not have any account of it, nor of a warrant for the disposal of it, since the repayment to any person whatsoever; which is absolutely inconsistent with what the earl of Glasgow mentions in his letter concerning his paying an account for this money; besides the repayment is supposed by the earl of Godolphin to be made to the queen, whereas the earl of Glasgow, as it hath been said, charges it positively upon the earl of Godolphin himself."

"How for these Depositions and Letters are capable of being explained into a consistency with each other, your Commissioners must leave to the wisdom and determination of the House; but it is obvious, that there is no where any pretence of a repayment of the 7,500*l.* remainder of the 25,000*l.* nor any satisfactory account given of the 22,500*l.* since repaid—So that no part of the money appearing to have been applied to her majesty's service, your Commissioners are humbly of opinion, that the whole remains to be accounted for to her majesty."

"As to the Revenue of Scotland, your Commissioners doubt not but the House will be pleased to consider, that they most necessarily have sent with many difficulties to these enquiries into the management of it, by reason of the confusion of the place, where all the officers and records relating to the public money, were kept; from whence, not only documents and informations, but witnesses, to prove and make good the same, were to be brought; and this would have been attended with so much trouble and expense, that some examinations have been rendered impracticable, which in another year may be prevented with better effect."

"Your Commissioners therefore humbly hope, that their general Dissatisfaction in the present State of the Scots Revenue will answer

what is now expected from them with relation to that kingdom."

"By the state of the Crown-Rents, exhibited to your Commissioners from the books of the exchequer, it appears that they are so burdened with Grants within these few years, and the exorbitant salaries of the several collectors and stewards, that the groves, and by much the best part of them is exhausted; besides, a very unwary observation, that, of the little which still remains to the crown, very considerable errors are suffered to continue in the yearly lands."

"The Revenues of the Bishops, which, after the subtraction of episcopacy, were anciently the crown's, are in a worse state than the other Crown-Rents. For there are few signed and authentic records of the revenues of the said Bishops; and such as are, do differ in so many particulars from the charge the several collectors do bring upon themselves, that there appears no certain rule for making a charge upon the said collectors, not to ascertain the yearly product of that revenue."

"There can be no control upon many articles in the discharge of the Collectors Accounts, such as Grants to several laymen, universities and parish-churches, annuities, and Allocations by virtue of the lords of manors decrees, for the appropriation of manors to pious and educational purposes; because the grants and rights of the several parishes are not duly entered in the Records of the Exchequer, and the collectors cannot prevent their payment; all these grants and rights are recorded, and the validity thereof considered: Many of these parishes have entered into possession, and made the rents themselves, or refuse to pay their tithes."

"Under these difficulties, it was impossible for your Commissioners, at this time, to state a certain account of the yearly product of these Revenues, or here and on what account they are burdened."

"But, by the best estimate we can make, after deducting the Grants and Allocations claimed and returned by the several parishes, the public taxes and other allowances owed by the collectors, the whole amount of all the Bishoprics at a medium for several years (part of the rents being paid in kind, and causing the yearly produce to vary) amounts to no more usually to the queen, than 6000*l.* or thereabouts, exclusive of the revenue of the deanery of the chapel-royal, which is about 2500*l.* and enjoyed by Mr. William Cavendish: From which 8500*l.* there 2500*l.* per annum hath, for these several years past, been deducted for the salaries of two persons employed to collect the same."

"We have enquired into the Management of the money given by England as an *Apothecary* to Scotland, for such part of the Scots money and taxes, as was applicable, by the article of the Union, to the payment of the English debts contracted before the Union."

And we do observe, that the first commission, dated the 31st of June, 1707, appointing commissioners of the Equivalent, consisted of 48 persons, whereof 32 were members of the House of Commons, and lasted for two years: that, the House of Commons having addressed the queen to reduce the number of those commissioners, because, the greater part of the Equivalent money was issued, a new commission was appointed, dated the 30th of July 1709, consisting of 15 persons, which still continues. That each Commissioner being allowed a yearly salary of 300*l.* the salaries of the first Commissioners amounted to 14,400*l.* per ann. and the second to 4,500*l.* per ann. the whole in four years time being 18,900*l.* From whence it appears, that a great part of the money that was designed for paying the public debts of Scotland, has been expended, in your Commissioners' salaries, contrary to the true intended meaning of the Articles of the Union, and the subsequent acts of parliament relating to this charge. For your Commissioners are appointed, that the receiving and distributing of the Equivalent Money, was not a work of an intricate nature, nor attended with such difficulties and labors, but that a single man was sufficiently performed by a much less number of Commissioners than were appointed in either of the commissions, and thereby a large sum of money issued and applied for payment of the public debts, many of which remain still unsatisfied.

By the 15th Article of the Union, it was agreed, that the yearly sum of 2,000*l.* should be paid for the space of 7 years out of the Equivalent money, for encouraging the manufacturers of coarse wool, the first 2,000*l.* to be paid in March 1707, and the like sum each March since during the said 7 years. By the 16th act of the last Scots parliament, intitled, 'An Act concerning the Public Debts,' it is provided, that the said sum of 2,000*l.* per ann. shall be paid previous to the public debts. By both the aforesaid commissions, the commissioners were required to apply the Equivalent Money in the terms, and after the manner and in the manner prescribed by the aforesaid articles of the Union and acts of parliament.

Nevertheless, in the State of the Cash of the Equivalent exhibited to us by the Commissioners, they charge themselves with 14,000*l.* expended by the coarse wool; but in the discharge, it does not appear, that any sum has been applied or reserved for that purpose, the whole sum of 308,884*l.* 1*l.* 8*s.* being issued and expended for other uses. And we can't but observe, that though they charge themselves with the said 308,884*l.* 1*l.* 8*s.* specifying the particular uses to which every part thereof was appropriated; yet in the discharge of the said account, instead of applying the said sum to the aforesaid appropriated uses, they state 170*l.* 5*s.* 6*d.* as the salaries of 21 Commissioners, from the 31st of June 1707, to the 25th of July, 1709, being two years and 21 days, and 4,500*l.* as two years salary of the 15 persons:

Commissioners, from the 25th of July, 1709, to the 25th of July 1711, amounting in the whole to 89,430*l.* 5*s.* 6*d.* of which they have received in money the sum of 19,890*l.* 18*s.* 10*d.* and they state the remaining 69,539*l.* 6*s.* 6*d.* as a balance to them.

By the act of the 6th of the queen, entitled, 'An Act for the further Payment of the Equivalent,' each Commissioner of the Equivalent is allowed a yearly salary of 500*l.* but it is expressly provided, that the same shall be paid out of any sum of money, other than the sum of 200,000*l.* 10*s.* the first Equivalent Money that here, or shall become due to Scotland by way of Equivalent. From which we humbly conceive, the Commissioners have no right to demand and state the said sum of 89,430*l.* 5*s.* 6*d.* out of the said sum of 200,000*l.* 10*s.* paid to them.

The Commissioners by the State of the Cash have overpaid the sum of 9,781*l.* 8*s.* 6*d.* whereas we humbly conceive, that, if they be compelled to account in the terms of the articles of the Union, acts of parliament, and their own Commission, there doth remain in their hands the sum of 19,890*l.* 18*s.* 10*d.* demanded by them for the payment of their salaries, and for which they are accountable.—The Customs of Scotland before the Union, were let in lease by the Lords of the Treasury there, and your Commissioners, having reason to believe, that the former thereof were guilty of many illegal practices highly prejudicial to the crown's revenue arising from the customs, before and since the Union, have made some enquiries into that affair. But the same being a matter of great consequence, very intricate, and attended with many difficulties, your Commissioners beg leave to postpone a particular report thereof, till they shall be better prepared to set it in a true light.

Your Commissioners being informed, that the Commissioners appointed by an act of the 6th of her majesty's reign, entitled, 'An Act for paying the debentures of fish and flesh, cured with foreign salt imported before the Union, and maintaining the price of foreign salt remaining in Scotland,' had not applied all the money given by the said act to the uses therein mentioned, and particularly that they had made several deductions from the said debentures, and price of salt allowed by law, did require the said Commissioners to exhibit a state of their accounts; in which it did not appear, that they had made any deductions whatsoever; the full value of the debentures and price of the salt delivered over to the queen's use, being stated in their discharge.

But having examined upon oath Mr. Gilbert Stewart, one of the said Commissioners, he deposed, the sum of 9,700*l.* 8*s.* 6*d.* was proportionably deducted from the said debentures and price of salt, on account of charges in obtaining of the act of parliament, for paying the said debentures, and salt. That this was done by the receipt of almost all the proprietors, who by a deed under their hands did appoint a

Committee of their own number, to state and allow such a deduction on that account as they should think reasonable. Which committee did agree to the said sum of 12,500*l.* 2*s.* 2*d.* and directed the payment thereof in the manner, and to the persons contained in an act signed *hitherto*, and adhered on made to your Commissioners by the said Mr. Robert Stewart.—By an article in the account the sum of 150*l.* is stated as paid to William Cockburn, esq. on the account of his charges in obtaining the act of parliament for paying the said *detractions* just said.—And the said Mr. Stewart did on oath acquaint the Commissioners, that Mr. Cockburn was concerned in trade with the said Stewart and others, who gave a commission to Mr. Cockburn to go to London, and dispose of a quantity of goods they had sent thither, and did promise to pay him what charges and expenses he should be at on that account. That afterwards, when Mr. Cockburn returned from London, he charged and claimed in his account, 800*l.* as his expenses, which Mr. Stewart and his partners allowed him with this proviso, that he should pay to them whatever sum should be given as a gratuity from the proprietors of the salt and debentures, on account of his services in obtaining the said act. That accordingly, when the said 150*l.* allowed to Mr. Cockburn was paid, he gave his receipt for it: But the said Stewart returned the money, and afterwards divided it betwixt himself and partners in trade, conformable to the above-mentioned agreement with Mr. Cockburn.

“ Your Commissioners having formerly given their thoughts on our mismanagement in the public revenues of Scotland, will now proceed to such observations as have occurred to them in pursuing the accounts of that of England.

“ First we have endeavoured to enquire into the reason how so large sums of public money remain still unaccounted for by the persons entrusted with it, and we consider this proceeds from the neglect of those in issuing process. For in some cases, process hath never been issued; in others, when it hath been issued, the returns were generally blank, or of very small value, even where the accountants were possessed of considerable estates in land, and other valuable effects.

“ And these hath not been only a neglect of issuing process against accountants, but warrants have been often granted from the treasury, to stop the accounts thereof when issued. Where access is there been many years depending, and where there was reason to suspect the circumstances of the accountants, which, grounded upon better pretences than any yet appear to your Commissioners, must be an imputation of mismanagement.

“ Some attempts have been made of late towards curing this evil, for a *Copy of Complaint*, which is the first usual process of the Exchequer, and which hath for many years been desired, is now revived, and an order appointed to issue it against the persons of the

accountants, where a discharge is not sufficient. This hath been done with as good effect, that accounts of money, unreported many years past, have been lately delivered to the treasury.—Many instances of what is here asserted, have appeared to your Commissioners, in returns delivered on oath by the proper officers, some of which we humbly lay before you, &c.

“ But as the neglect of paying accounts, according to the rules and methods of the Exchequer, has been a great detriment and loss to the public, so it has been a great propensity, that many accounts have been paid by *privity*, and in an extraordinary and irregular manner. For, on perusing and examining some of them, we find that they have not been directed to much to supply the want of them, (the only colourable pretence for allowing them) so as to justify unreasonable and extravagant payments, such as are directly contrary to the rules of the navy; not warranted by the establishments of the army, nor grounded on any treaties or conventions with foreign powers.

“ In the *privity* seals granted or craved, and for which warrants are obtained by the paymaster of the army, several articles are included, which, as far as we are capable of judging, ought not to have been allowed.

“ As in particular for secret service, which had no relation to the army.

“ For paying the foreign forces in British pay, according to the establishments, which money rolls; which your Commissioners are of opinion was one great reason that no care was taken to keep the corps complete.

“ For allowing Contingencies and Extraordinaries according to the Dutch secretary's certificates, without further vouchers.

“ For payment to the election of Treasurers and Colleges, and referring to, or grounded on any treaty.

“ In a *privity* seal for passing the accounts of Paul Methuen, esq. son of John Methuen, esq. we find the following extraordinary payments allowed: 1. The charge of embarking one, and disembarking another Dutch regiment. 2. 3,000 *mill-rees* on a bill drawn by the prince of Hesse on M. Schomberg, the Dutch plenipotentiary; which being related by him, was paid, as is set forth in the *privity* seal, by the said Mr. Methuen, for the benefit of that prince, and those declared it ought to be repaid by the States General. 3. 1,000 *mill-rees* expended in presents given to the prince of Morocco, and in maintaining his ambassador. 4. 25,000 *mill-rees* for the subsistence, clothing, and arming of Spaniards. 5. The payment of which, we do not find he had any authority but the king of Spain's order. 6. 1,100 *mill-rees* for freight of the king of Spain's coaches and horses, and powder granted to him by the king of Portugal.

“ In the account delivered to us by Mr. Methuen, he charges 1,000 *mill-rees* as paid on account of the Spaniards before mentioned, which was not included in the *privity* seal, and

some accounts before the auditors, but most of these are yet passed.

"Mr. Mason was succeeded by Mr. Middleton, on the 19th of April, 1708, between which time and the 1st of June, 1711, we find there has been issued to him from the Exchequer, 476,541*ds* 11*sh* and he voluntarily charged himself with the sum of 4,010*ls* 7*sh* 11*d*. Mr. Middleton has laid his accounts before the auditors, on November, 1710, which are made for a declaration.

"We will conclude our Remarks on the Management of that part of the service, with observing that though the Commissioners have given vouchers to the pay-master of the forces of the number of men shipped, that a declaration might be made for the records furnished in their passage to Flanders, and that there ought to have been deducted out of the pay of the soldiers, more than 1,200*ls* on that account, as was represented to the House last session, yet no part thereof has been paid over to that office.

"Though your Commissioners are not yet possessed of all the Accounts of the Navy, they think it their duty to represent some Articles of payments in the accounts laid before them by Mr. Walpole, late Treasurer of the Navy, who having made at a time when that service was charged with great debts, some very extraordinary, and such as they apprehend inconsistent with the rules of the navy.

"The first instance is, a payment of 2,000*ls* by Mr. Walpole, to the earl of Oxford, out of money properly applicable to the use of the Navy, by virtue of a warrant from her majesty, bearing date the 15th of July, 1710, which was given to that earl as her majesty's royal bounty.

"The other instance is of two payments, amounting to 1,432*ls* 14*sh* 4*d* made also by Mr. Walpole, to Henry Prestman, viz. payments to a warrant from her majesty, dated July 2, 1710, which directs that 70,000*ls* per annum should be paid during her pleasure, out of such money as that earl, or should be in Mr. Walpole's hands, for the service of the navy, both which are contemptuous, insolent.

"How prejudicial the allowance of these Articles may be to the public, we presume not to affirm, but must signify you, that the Commissioners of the Navy, whose duty it is to inspect and sign the Treasurer's Account, say, that they never knew any such warrants before, and that regularly all warrants should come from the Lords of the Treasury, or Lords of the Admiralty to them. We therefore humbly submit it to the House, whether these warrants ought to have been covered by the Treasurer of the Navy, though contemptuous by the Lord Treasurer?

"We had in addition to the Establishment of the Navy of four senior captains, appointed to act as commanders in chief at Outham, Plymouth, Portsmouth and Harwich, in the absence of Superintenders, by the want of superintendents. This new officer your Commissioners

observed was erected at a time when some regular promotions had been made in the fleet, and had occasioned an increase of charge, without any advantage to the service, viz.

	<i>£</i>	<i>s</i>	<i>d</i>
In the year 1709	4,083	02	0
In the year 1710	5,054	15	0
And in the year 1711	4,829	13	0
	19,967	32	0

"These your Commissioners think it not proper to increase a debt of 110,514*ls* 10*sh* 2*d* which appears to them by the return made to the Navy-Board, to have been owing yearwise to England, from the States General, for some time. We also find by the same return, that an account of this debt has been long since presented by the Commissioners of the Navy, to the Lords of the Admiralty, but without effect.

"All which is humbly submitted to the consideration of the House."

The Queen's Message respecting the English Episcopal Church at Rotterdam. March 14. Mr. Secretary St. John delivered to the House the following Message, signed by her majesty.

"ANNA R.

"It having been resolved to her majesty, by the earl of Suffolk, her ambassador extraordinary and plenipotentiary to the States General of the United Provinces, That the collection for building a Church at Rotterdam, wherein divine service is celebrated after the usage of the Church of England, for the benefit of the queen's subjects in that place, are so sufficient to accomplish the charge of that work, by about 2,500*ls* her majesty thinks it necessary to recommend to the House, the making a provision for the same."

The Commons Address thereon. Herewith it was resolved, "That an humble Address be presented to her majesty, to return her majesty the most humble thanks of this House, for her most gracious Message, and to assure her majesty, that this House will enable her majesty to accomplish the charge of the same."

Complaint against Mr. Bockley, for printing the Memorial of the States-General. April 11. A complaint being made to the House of a printed Pamphlet, intitled "The Daily Current Monday April 7, 1712," reflecting upon the proceedings of the House of Commons, the same was brought up to the table, and the title of the pretended Memorial there inserted, and a paragraph therein was read. After which it was resolved, "That the pretended Memorial printed in the said Daily Current is a false, scandalous, and malicious Libel, reflecting upon the Resolutions of the House, and the Address of the House to her majesty thereupon, in breach of the privilege of this House." And a Committee was appointed to enquire who was the author, printer, and publisher of the said Libel, with power to send for persons, papers, and records. This day, Mr. Haughey made his Report from that Committee, importing in substance, "That Samuel Bock-

by the revised printer of the Daily Courant, had caused the having translated and printing the said Memorial." Whereupon the question was put, "That it appearing to this House, that Samuel Baskley is the printer of the pretended Memorial printed in the Daily Courant of the 13th instant (which had been adjudged by this House to be a false, scandalous and malicious Libel, reflecting upon the Resolutions of this House, and the Address to her majesty thereupon, in breach of the privilege of this House) be, for the said offence, be taken into the custody of the Sergeant at Arms attending this House." Upon which the House divided; but the vote was carried in the affirmative by a majority of 168: seven against 37.

Resolutions relating to the Libelousness of the Press. Some members were so dissatisfied with the Dutch Memorial being published in a newspaper, that on the 15th the House being involved into a great commotion, to consider of that part of the queen's Message to the House, the 15th of January last, which relates to the great License taken in publishing false and scandalous Libels, Sir Gilbert Dolben being the chairman, they came to these two Resolutions, 1.st That the liberty taken in printing and publishing scandalous and abusive Libels, creates divisions among her majesty's subjects, tends to the disturbance of the public peace, is highly prejudicial to her majesty's government, and is dangerous for want of due regulating the Press. 2. That all printing-presses be regulated, with the names of the owners, and places of abode; and that the author, printer, and publisher of every book set on sale and place of abode therein." These Resolutions were ordered to be reported the Tuesday following; but the said report was then put off till the day following, and afterwards further postponed from time to time. Some members living, in the great commotion on words and names, suggested a more effectual way for suppressing libels, viz. the laying a great duty on all news-papers and pamphlets.*

* Among the matters of importance during this session, we may justly number the proceedings of the House of Commons with relation to the Press, under her majesty's Message to the House, of January the 15th, concludes with a paragraph, representing the great license taken in publishing false and scandalous libels, such as are a reproach to any government, and recommending to them to find a remedy equal to the mischief. The meaning of these words in the message, seems to be confined to these weekly and daily papers and pamphlets, reflecting upon the persons and the measures of the ministry. For the House of Commons in their Address, with assurance this message, makes an address of our complaints against God and religion; and it is certain, that nothing would be more for the honour of the legislature, than some effectual law for putting a stop to that unwearied mischief: but as the party (Mr. Secretary St. John, now Lord Russell)

Represented in the name of the Commons of the Church of Scotland, against the Petitioners Ed.] The Commons living on the 7th of April

Debate[re], who asked the question in that part of her message, had only then in his thoughts the restraining of the political and factious Libels, I think he ought to have taken care, by his great credit in the House, to have proposed some ways by which that evil might be removed; the law by taxing single papers have produced a quite contrary effect, as was then observed by many persons, and hath since been found true by experience. For the abusive party, full of rage and revenge were their fall, anonymous in defence of their cause, employ a set of writers by subscription, who are well versed in all topics of defamation, and barren style and gross invective on the principles of readers; while those who would show their pens on the side of their prince and country, are discouraged by this tax, which exceeds both the intrinsic value of the materials and the work; a thing, if I be not mistaken, without example.—It must be acknowledged that the bad practices of printers have been such as to destroy the general accommodations of the public; and it is to be wished the party-querrels of the pen were always managed with decency and truth: but in this worst case, to open the minds of our countrymen and show our own, is a task of probity that nearly a hero is to be explained. Perhaps the ministry now in possession, because they are in possession, may despise such trifles as this, and it is not to be denied, that acting as they do upon a national interest, they may seem to stand in less need of such support, or may easily fling them down as no longer necessary. But if the leaders of the other party had proceeded by this means, their power would have been gone at all, or of very short duration; and had not some active pens fallen on to improve the good dispositions of the people, upon the late change, and maintained since to overthrow the falsehood, plenitude, and enormities not explainably, counter by the administration, I am very much in doubt, whether there at this hour would now have reason to be pleased with their success. A particular person may, with more safety, despise the opinion or the vulgar, because it does a wise man no real harm or good, but the administration a great deal, and whoever aids his sole management of the pen, will soon find hands enough to write down their enemies as low as they please. If the people had no other idea of those whom her majesty trusts in her greatest affairs, than what is conveyed by the passages of such as would compass us and lead for their destructions, what could they expect, but to be torn in pieces by the rage of the maltrader? How necessary therefore was it, that the world should, from time to time, be undeceived by true representations of present and future, which have kept the kingdom steady to its interests, against all the attacks of

the Federal time, and passed a Bill to restore the ... of their ... rights as Freedmen, and ... to the Lords for their consideration, ... for the Profranchise of that part of ... involved in ... and ... drew up the following Representation:

The same committee the day following and reported to Parliament assembled. The humble Representatives of William Cartwright, Thomas Blackwell, and Robert Hall, members of the Church of Scotland, appeared by the Commission of the late General Assembly of that Church of Scotland, to take all proper and legal methods for procuring the rights and privileges of the aforesaid Church.

²⁰ It is worth all humble data and references represented into our knowledge, that that is.

pending bill seems to be contrary to the pre-
sentiments of our Church, as well as to the
tenets of Union, and solemnly entreats
acts of parliament in such Kingdoms. And
thus may be more clear, it is to be observed
that, from the first information from par-
the church of no island hath always received
Protestant agreement and favour, as a
change by the sea and nearest friends of the
law, published even since the year Reformation,
since which time they have still judged a pro-
gressive, till at length they came by law to
abolish it.

"These Parsonages having been razed with 24 masons, in the year 1661 and 1662, as appears by the year 1660. The Episcopalian church and parsonage church (as written on the wall) in 1662, and though a part of parsonage in 1662, standing parsonage in the King's reign, it was a noted one, the act of parsonage in 1662, which became a law with Parsonage, yet the said act of parsonage in 1662, with deeply except the part of the old act, and refer Parsonage to be thereafter considered, which accordingly was considered as the same parsonage in 1662, whereby it is plain, that the abolition of Parsonage, was made a part of our church constitution, made by the act in 1662, and that the act in 1662, with all other new statute thereto, being expressly recited and for ever confirmed by the act for securing the Protestant Religion and Presbyterian government, and recognised as an essential condition of the ratification of the treaty of Union put in the publication of both kingdoms; the said act abolishing Parsonage must be understood to be a part of our Presbyterian constitution, accused to us by the press of Union for ever.

10 Yet it is to be particularly considered, that the same parliament in 1530 was so tender of the civil rights of Patrons, and so sincerely desirous only to restore the Church to its just and primitive liberty of ruling themselves, in a way agreeable to the Word of God, that they only destroyed the Patron's power of presenting ministers to vacant churches, but as to any thing of civil rights, did make the condition of Patrons better than before, not only by inserting into them the right of disposal of vacant benefices for peace and within the Parish, but also giving unto them the honorable right of the Tythes, restoring the minister, who formerly had the usual right to baptize, much below the value of the said Tythes, actually extending which advantage assistance to the Patron by the parliament, then did take back from the Church the power of presentation of ministers, without restoring the Tythes which formerly belonged to her, by which the Patron came to enjoy both the purchase and the price.

" Thus being then the true account of our legal proceedings as to this matter, it appears to be wrong, that the members of Parliament, as to the point of compensation, can only goady a few words on the other 'side' to meet those

only double in the greater number, that are not sufficiently important, and which it is not the intention, that the Bill should be so much enlarged upon, when there are so many unimportant things of the most trivial nature to be considered, that are against such a constitution.

It is also apparent, that Presbyterianism must not enter into our deliberations and resolutions, as a necessary consequence with the constitution, and (thereby) creating divisions and differences, and dividing some honest patriots, presbyterians, and people, besides the known abuses, whereof Presbyterians have been accused even in their most settled constitution; several many instances might be given; especially, that formerly a foundation was laid for the great Party, known patrons of those persecuted by them, and likewise ministers were applied upon parables for persons who were not so strangers to their constituents, having in their capacity not considered them.

It is contrary with all intentions expressed in your lordship's petition, and several deliberations, that a Bill, as a necessary consequence, is truly affecting the late Union in one of its most fundamental and essential articles, respecting the preservation of the rights and privileges, which our Church at that time was possessed of by law, for the security in which the parliament of Scotland was so much concerned as not to allow their commissioners to make any part of their Treaty, but reserved it as a thing unalterable by any judgment deriving its constitution from the said Treaty, shall not be approved by your lordships, especially while the nature of the Treaty itself shows it to be an unequal transaction between the two nations.

W. CAMERON.

T. BLACKWELL.

H. BAILEY."

The *Patronage Bill* sent both Houses.] It is observable, that the Representation is a first printed and presented with this title, "To the most honourable the peers of Great-Britain;" but an exception being taken to it, because it seemed rather to imply that the Bishops were free upon the same that with the temporal lords, or to exclude them from being considered in the address; neither of which would be admitted; the said Representation was therefore withdrawn, and now printed and presented as above. It is also to be observed, that respecting the said article, which was brought enough to constitute an intended right to Bishops, yet five of the Bishops, the unlearned were charitable enough, making suggestions of the fatal consequences of the Bill in restoring Lay Patronage, gave it a vote against it. But the majority of the House of Lords were of another opinion, and the Bill was on the 24th of April sent back to the Commons with a small Amendment to strike the Commons elsewhere agreed.

The *Great-Bill* carried to the *Lords*—[May 1st 1711.] The Commons voted a second time "That To appoint Commissioners to examine

"the Value of all lands, and other interests granted by the crown since the 13th day of February 1688-9, and upon what consideration the same were made," and appointed the same to the committee of the whole House, to whom the Bill "To raise money by 'way of the Lottery,' was committed. It appearing by that, that the House designed to tack these two Bills notwithstanding a former Resolution of the House of Lords against such a practice; which made the court apprehensive, that the same might occasion unhappy differences between both Houses, some members of the House of Commons recommended to prevent it, but the majority were of a contrary opinion.

The *Great-Bill* returned from the *Lords*—[May 2d.] This it is noted before, that some members of the House of Commons, did, on the 21st of April, endeavour to prevent the sending in the *Great-Bill* to the *Lottery-Bill*, but though they then failed therein, yet (as the report was then current) upon a promise made by a gentleman, to several leading men, that he would use all his interest to procure the passing of the last of these Bills, except in the House of Lords, the Commons resolved, "That the Committee of the whole House be discharged from the instruction to draw and make three new ones," which was carried by a majority of 109 yeas, against 81.

The *Great-Bill* passed the *Commons*—[May 10.] The *Great-Bill*, with the amendments made to it, was read, and to be engrossed; after which the Commons resolved, "That the Commissioners for putting in execution the trusts and powers in the said Bill, be seven: 1. That no person should be Commissioner who had any effect of profit, or was accountable to his majesty, or law, or both, under any grant from the crown, since the 13th of February 1688-9. 2. That the Commissioners might be members of the House. 3. That they be chosen by balloting," which, according to order, was done on Tuesday, the 13th of May, and the majority appeared, till upon John Hoad Carter, esq. the hon. James Murray, esq. the right hon. Henry, viscount Dover, Charles Chetwinday, esq. James Belsham, esq. W. Lewis, esq. and so Edward Bates, hon. The next day the Bill engrossed and sent to the *Lords*.

The *Great-Bill* dropped in the *Lords*—[The Bill made all its steps through the House of Lords, to the last, with a small majority of one or two. On the third reading of the Bill, a warm debate arose in which,

The Duke of Argyll said, "That, if for the sake of the public it was found proper to re-appoint the Grants of the crown, he would readily give his vote for it, provided they would go to the back, under the Restoration offering Charles the second. But he could never agree to send the Bill to Grants of King William, because such an act would be injurious to the memory of the deliverer of Great-Britain, and all Europe; which said Bill he had, as appears by all honest men."

The Earl of Wharton, the lord Cowper, and lord Halifax spoke, with great force and eloquence, against the partial distinction between Grants since the Revolution, and those before it, adding, that such a distinction gave too much credit to a minority, who by the passing of the Bill would have the means in their hands to ruin and oppress those, who had not the good luck to please them.

The Earl of Nottingham, who had been absent the long two days, spoke on this occasion, and said, "He always thought those Grants were too large and very unconstitutionally made; but he thought there ought to be an equal way of proceeding in that matter; they ought either to please them all, or to bring all concerned in them to an equal composition. He therefore could not approve of this Bill, which, by a very clear consequence, would put it in the power of a fellow-servant, to increase or to curtail Grants, as he pleased; and so it would put the persons concerned in the Grants, into too great a dependence on him."

The Lord Treasurer answered, "That no man had reason to be alarmed at the Bill, since the extent of it was only to estimate the value of the Grants made by king William, and upon what considerations they were given; but that as it was proposed, those, who enjoyed them had rendered very equal service to their country, so it was not to be doubted, but the parliament would confirm the same."

The Earl of Wharton replied, "That it was due to be perceived, that those, who enjoyed the Grants of king Charles the second, and king James the second, might have likewise done important service to the nation: therefore it would be very proper to look into the motives of all those grants, in order to confirm them to those who had deserved them."

The Earl of Oxford said, "That he had been informed, that the Commons had no design absolutely to resume the Grants of king William, but only to make the possessors pay the value of four or five per cent, for which they should have the Grants confirmed to them for ever." To which,

The Earl of Wharton again replied, "That he would not call in question what a kind of such profligacy and avarice had advanced; but that the reasonings of all the Grants of Ireland sufficiently shewed, that the Commons had not been content with a part."

Several other speeches, that were made on both sides, prolonged the debate till between six and seven in the evening, when the question being put, that the bill do pass, it appeared upon the gathering of the votes, that there were 70 votes on each side, 33 per cent, and 43 per cent for the affirmative; and 32 per cent, and 33 per cent for the negative; so the Votes being equal, by the rule of the house, the negative carried it, to the great disappointment of the enemies of the Revolution. It was observed that the loss of this Bill was in great measure owing to the negligence of the late duke of Portland. He being informed, that the lord

Colepepper had sent his proxy to the earl of Sunderland, who by reason of his indisposition could not produce it, immediately dispatched an express to the lord Colepepper, and to tell his proxy to another lord strong enough to make part of the negative. On the other hand, many words of speech, that had not the duke of Buckingham and the earl of Bedford shaping themselves from the house, the Bill had scarcely passed."

"Upon an occasion offered about the same time, some persons, out of dissent to the Treaty, endeavored to obtain a point, which could not have been carried without passing of new confessions. A bill was brought into the House of Commons, appointing Commissioners to estimate into the value of all lands, and other interests granted by the crown since the 13th of February, 1688, and upon what considerations such Grants had been made. The entire contrary-sentiment in the House was immediately set upon passing this Bill. There had received an opinion from former proceedings, that the court would certainly oppose all steps towards a resumption of Grants; and those who were apprehensive that the Treasurer would do the same way, proposed the bill should be tucked up another, for passing a law by dissent upon stamp and paper; which had been always supposed whether justly or no, as a favorite expedient of those called the Tory party. At the same time it was very well known that the House of Lords had made fixed and unmovable Resolutions against giving their concurrence to the passing and passing bills; so that the consequences of the present must have been to keep the treasury under difficulties, to stop the necessary supplies and endanger the great correspondence of between both Houses; notwithstanding all which the majority carried it so far; and the committee was instructed accordingly to make the two Bills together, whereby the worst that could happen would have followed, if the Treasurer had not considered the same incident in the affair, by undeniable reasons, that the means they were using would certainly disappoint the end; that neither himself, nor any other of the queen's servants were at all against that enquiry; and he presented his utmost credit to help forward the Bill in the House of Lords. He prevailed at last to have it sent up stage; but their lordships gave it another kind of reception. Those who were of the side opposite to the court, withdrew it at a man, as in a party case. Among the rest some very personally concerned, and others by friends and relations which they supposed a sufficient excuse to be absent, or dissent. Even those whose grants were mentioned in the extended inspection began to be alarmed at them, whose neighbours houses are on fire. A show of zeal for the late king's honour, occasioned many reflections upon the date of that enquiry, which was to compare with his will; and the bill of Nottingham, who had

Debate on the State of the Campaign.] May 21. The queen came to the house of peers, and gave the royal assent to the Money-Bills and others. As the earl of Strafford was now in London, it was expected, the queen would have had some public parliament: a state of the Negotiations of Peace which had been carrying on at the Hague. But, some powers not being yet settled between the British and French courts, she did not think fit to make a speech to both houses. However, the Speaker, at presenting the Lottery-bill, said, in his compliments to the queen, "Your faithful Commons are in hopes, that what they have so cheerfully given, for your majesty's occasions, will enable your majesty to put an end to the present war by such an honourable peace." There being no account come of any peace, as soon as the Commons were returned to their House, Mr. Deane,

now being away the mail, which he lately called off, like one who had no other view but that of revenge against the queen and her friends, stood unanimously enough with his design, by voting an address against the Bill, after he had entered his name in the House of Commons to run for the rack.

"Thus distressed the popular Bill for appropriating the revenues at Royal Grants; but whether those chiefly concerned did rightly resent their own revenue hath been made a question, which perhaps was well needed. It was agreed that the queen by her own authority, might have issued out a commission for such an enquiry, and every body believed that the intention of the parliament was only to tax the grant with about three years purchase, and at the same time establish the propriety as possession of the remainder for ever; so that, upon the whole, the granters would have been prejudiced by such an act, when the sales of these lands, as they stand then, were hardly of half value with others either for sale or settlement. Besides the examples of the Irish barons might have taught these precautionary men, that when the House of Commons hath once engaged in a project which they think is right, although it be stopped or suspended for awhile, they will be sure to revive it upon any opportunity that offers, and seldom fail of success: for instance, if the redemption should happen to be made part of a supply, which can be easily done without the objection of the king, the granters might possibly then have met harder conditions given them; and I do not see how they could prevent it. Whether the granting of Royal Grants be consistent with good policy or justice would be a long discussion; besides, the profusion of kings is neither to be a grievance for the future, because times have been when more made is possible against that evil, nor need rather because the crown has nothing left to give away. But the objection made against the date of the intended enquiry was unseasonable and trifling; for King James II. never says, for private use, but a better managed, and expending was

Chancellor of the Exchequer, afterwards Lord Bingley, moved, that the bill of the House (which had been several times put off) might be adjourned to the 21st of June, when he did not doubt but the queen would lay before them the result of the present negotiations.

Mr. Hampden complained, saying, "Nonwithstanding all the promises given from time to time to the Commons, we have no meeting and lay campaigns, and a trifling negotiation of peace, so that we are abused by assurances at home, and tricked by our enemies abroad."

Mr. Secretary St. John had too great a share in the management of affairs not to resent these insinuations; and with some emotion, "That they highly reflected on her majesty, and her ministers. But though some ministers had been sent to the Tower for less

cause of his brother, whereas the law king, who came over here a perfect stranger to our laws and to our people, regardless of posterity, whereas he was not likely to survive, thought he could in any better strength a new title than by purchasing friends at the expence of everything which was his power to part with.

"The reasonableness of voting to a Money Bill one of a different nature, which is usually called *raising*, hath been likewise much debated and well argued of argument enough. In former times when a parliament was held, the Commons first proposed their grievances to be redressed, and then gave their vote; so that it was a perfect bargain between the king and the subject. This fully answered the ends of raising. Aids were then demanded upon occasions which would hardly pass at present; such for instance, as those for making the king's son a knight, marrying his eldest daughter, and some others of the like sort. Most of the money went into the king's coffers for his private use; neither was he accountable for any part of it. Hence arose the term of the king's *raising* his subjects for these benevolences, when any coronation, marriage, or fifteenth, were given him; but the supplies were granted out of another nature and cannot be properly called a particular benefit to the crown, because they are all appropriated to draw several uses: so that when the House of Commons took to a Money-Bill what is foreign and hard to be dissolved, if it be not passed, they put them, sales and their country in as great difficulties as the prince. On the other side, there have been several regulations made through the course of time, in parliamentary proceedings, among which it is grown a rule, that a bill once rejected shall not be brought up upon the same motion; whereby the Commons were to have lost the advantage of purchasing a redress of those grievances by granting supplies, which upon some emergencies, hath put them upon the expedient of raising: so that there is more to be said on each side of the case, than is convenient for me to establish the reality of myself in debating." *Will's Four Last Years.*

affairs, and that he, who spoke last, might be Lord of that house, yet he hoped the House would be of another opinion."

For Richard Steele replied, "That to suppose her majesty, or her ministers to have any influence on the deliberations of this House, was against to her majesty, and a violation of the privileges of this House."

In which he was seconded by Mr. Lathbury. But the debate went no farther, in consequence, in the fourth of the preceding party suggested, that the answer deserves to be read, the consequence of a motion at that time would rather be a prelude than a declaration to him. And so, according to the custom of the House of the Commons, the call of the House was put off till the 14th of June.

May 28. Mr. Pelham moved, That an humble address be presented to her majesty, "That her Majesty's Councils, especially directed at the intelligence obtained from abroad, that her present Majesty has declined to act offensively against him, in conjunction with her Allies, and being under the deepest concern for the danger on consequences which must arise from dissent to the common cause, do with all humility beseech her majesty, that speedy instructions may be given to her General in Flanders, to prosecute the War with the utmost vigour, in conjunction with her Allies, as the best means to obtain a safe and honourable peace for her majesty, and all of them; and to quiet the minds of the people, who cannot but be extremely apprehensive of the fatal consequences of such a division." But after a debate, in which Mr. Secretary gave answers much to the same purpose as the Lord High Treasurer had done in the House of Lords, the matter being turned into question, and the question put, it was carried in the negative, by a majority of 205 voices against 73.

Resolution for putting an entire Confidence in the Queen. After which it was resolved, "That this House hath an entire confidence in her majesty's most gracious promises, to communicate to her parliament the terms of the Peace being the same shall be concluded; and that they will support her majesty in obtaining an honourable and safe Peace, against all such persons, either at home or abroad, who have encouraged and shall endeavour to obstruct the same: And that the said Resolution be laid before her majesty by the whole House."

The Queen's Answer Hereto. The said Resolution being accordingly laid before the queen, on the 26th, her majesty was pleased to return the Answer.

"Gentlemen, I thank you most heartily for this Resolution, which is dear to me, because to your country, and very reasonable at this time, when so many artifices are used to obstruct a good Peace, or to force one disadvantageous to Britain."

Debate on the Lords on the Duke of Ormond's declaration to fight. May 27. The Lord Baltho resumed the House of Peers, "That his declaration of going to campaign is

lay before them;" and declared, that the house might be summoned to attend the Duke at the House the next day. The Peers in a full House on the 28th of May, that Baltho made a speech, wherein he first expressed the strange declaration made by the army by the Duke of Ormond; then showed the consequences of such a proceeding, and the necessity of a strong on the war with vigour; and concluded with a motion for no Address, "tendently to depose her majesty to lay before the House the Duke's letter, had sent to the General, and to order him to act offensively in concert with the Allies." When he had done speaking, some objections were raised as to the manner of doing, but though the Lord Baltho did not move peace, but my moving others a copy of prince Eugene's letter will be doing them proper to peruse it, and some other things which may send themselves with present in the minutes, to represent the Duke's letter, which is a document but having no the date of Ormond's.

The Lord Treasurer, who was next moved, "That the Duke be ordered to give the answer, and not read the orders she gave to her General, without a particular declaration from her majesty; and that, in her opinion, these orders were not fit to be divulged. That however, would otherwise in say, that, if the Duke of Ormond had refused to act offensively, it would be fatal, but he had followed his conscience, and it was prudent not to hazard a battle at the point of purchasing a good peace, especially considering they had to do it with an enemy apt to be deceived."

The Earl of Marbroke said, "He was extremely glad to find that this lord so ready to acknowledge the necessity of Peace. But that, in his opinion, this was a wrong reason for leaving an answer to be made as usual, but rather for putting him under some stress, till he was reduced to the necessity of desiring peace."

The Lord Treasurer replied, "That the Duke of Ormond might have refused to do so a general answer, yet he could be persuaded, I would not declare having with the Duke's words, unless having been sent him for that purpose."

"May 28. I have seen the news of the Duke of Ormond, promising battle to the Duke of Marlborough, with orders not to fight, and to retreat in Ireland. Lord Viscount Bolingbroke at the Duke of Ormond, a few days the treaty of peace should be laid before them; and our country though it were to be made a battle and a war, it were better to have a peace. If the Duke of Ormond will do well, otherwise I know not how we shall weather it. And it is as well as a wrong step in policy for Lord Treasurer to open his mind so much. The Secretary would not go on to satisfy the Duke on the House of Commons, but there all was in vain." *Sted's Journal.*

The Duke of Marlborough said, "He did not know how to retract the orders, but to send a Gentle, and to join it to mine, to the General's ear, since it was impossible to make a copy without either borrowing a Gentle, or else possibly attempted to relieve the place, or possibly raising the siege."

The Duke of Argyle, on the other hand gave the orders given to the Duke of Ormonde, and said with a sneer, "Al, "That in his opinion, at the time of John's Career, there was a greater expense than price, and a longer time, but that, nevertheless, considering the different interests of the House of Commons and Great Britain, it might not come amiss to trust him with the consequence of the war, between a battle, was or was not, a very break off a negotiation of peace, which in all probability, was never being made." That, according to his knowledge, it was more important than the issue of a battle, where victory was still hovering, and a close charged action, that day, who, after some ten successful charges, thought themselves of getting the day, but at last were routed and put to flight. Adding, that two years before the conference might have taken place at Omdurman, instead of among themselves with the magnificent conquests of Acre, Bechara, and St. Youssef."

The Earl of Nottingham declared on the other side, "That he could not comprehend the orders had been given to our General not to fight, unless certain persons were apprehensive of weakening the French, so far as to decide them to enter there in bringing about designs, which they have not put over."

The Duke of Devonshire read on the same side, "That, by the propensity of blood, he was more concerned for the Duke of Ormonde's reputation than any other; and therefore he could not forbear declaring, he was surprised to see any one dare to make a rebellion of the first rank, and of so disgraced a character, the instrument of such a proceeding."

The Earl Parker answered, "That no body could doubt of the Duke of Ormonde's courage and bravery; but that he was not like a certain General, who led troops to the slaughter, to give a great number of officers to be knocked on the head in a battle, or against stone walls, in order to fill his pockets, by disposing of their commissions."

His reflection, so wisely levelled at the Duke of Marlborough, could not but very seriously affect him; but he restrained his resentment for a while, and resumed silence. On the other hand,

"As soon as the House was up, the Lord Nelson went to the Earl Parker, and told him, that the Duke of Marlborough desired to have a conference with his Lordship, about some business he had used in that day's debate, and therefore desired him to go and take the air in the country. The Earl, who readily understood the meaning of such an opportunity,

The Lord Nelson made a long speech, wherein he mentioned all that had been said on being in the dark about the progress of a negotiation of Peace; and some other things which having passed the Earl of Ormonde to give the House an account of it, he omitted to say, as not having the Queen's orders to do so.

The Lord Treasurer assured them, "That in a few days, her majesty, according to his promise, would lay before the parliament the conditions, which he doubted it would give no one satisfaction to every article, of that house, and to all true Englishmen." These Lords having declared their apprehensions of a separate peace, the Treasurer assured them, "that a selling of that nature was never intended, and that such a Peace would be so low, as to know, and so infamous a thing, that every man, who served the Queen, knew they must answer it with their blood to the nation; but that it would appear to be a sale and a glorious peace, much more to the honour and interest of the nation, than the propositions that were agreed to three years before. He also affirmed, that the allies knew of it, and were satisfied with it."

The Lord Halifax, observing the disposition of the house, would have dropped his motion, without dividing - but the court-party, being sure of a majority, insisted to have the question for adjourning the debate - which being carried in the affirmative by six votes against 45, 50 of the latter entered their protest against the Orders given to the Duke of Ormonde. This point being passed, the Earl of

asked my Lord Mordaunt, Whether he brought him a challenge? To which he answered, That he brought no challenge, and that he would accompany the Duke of Marlborough. The Earl Parker being returned home, with some civilities, and having given his Lady a hint of what had passed, the Earl of Dartmouth, Secretary of State, was soon acquainted with it, and went immediately to the Duke of Marlborough, and desired him not to stir abroad. At the same time, his Lordship caused one courier to be placed at the Earl Parker's house, and having assured the Queen of the whole affair, her majesty sent him back to the Duke of Marlborough, to desire him, that this might go no further. His grace gave his word of honour, that he would comply with her majesty's commands - but, though this quarrel ended without bloodshed, yet many began to apprehend the consequences of the heat and animosity of the two parties, which daily increased. The Duke of Marlborough was afterwards severely censured for setting the example of party - "death;" but, on the other hand, the tongue of many people were very free with the Duke of Ormonde; and, in this purpose, we may take notice, that, an ableman keeper in Westminster, having either for a pet sake, or out of mere sympathy, set up for himself his grace's head, with this inscription, the "General of Peace," the government ordered the same to be taken down. Tenth.

Stafford suggested, "That, before the House entered upon the negotiation of Utrecht, they would do well to examine into those of the Hague and Gersoydenburg, upon which he would endeavour to show some observations he had made during his residence in Holland. First, that, at the Hague the French ministers could not only visit the penitentiary, who, having made his report to the States-general, returned, did no more at all: the ministers of the allies, those that was judged proper to let them know; so that the Dutch were absolute masters of the secret of that negotiation, as they were afterwards of that of Gersoydenburg. Secondly, that the States-general had consented to give Naples and Sicily to King Philip, which showed even at that time, that the recovery of the whole monarchy of Spain was looked upon as impossible." He said he had in a manuscript from one of the men, who had been employed in these negotiations; by which it was plain that he meant Bay. He concluded with a motion for addressing her in reply, "That she would be pleased to cause the Vapour relating to the Negotiations of the Hague and Gersoydenburg to be laid before the House," which was carried without dissenting. Nothing followed upon this, as it was said to be designed only to amuse the House.

Protest against the Orders for not fighting. It was observed before, That some Lords presented against the Orders produced by the duke of Ormond, not to not offer any against the French. Not many days after, the said Protest was published in print, containing in substance, "That their lordships conceived, such an order as was proposed in the question, to be absolutely necessary, because they were convinced that the duke of Ormond lay under some order of restraint from acting otherwise, not only from the arrests which were put on both here and in Holland, or his declining it to permit Eugene and to the deputies of the States, at their late consultation, when both prince Eugene and those deputies earnestly pressed him to join in attacking the French army; which was then known to be such restraint to that of the allies, both in the number and condition of their troops, but also that nothing of this whole matter was shared by those lords, who had the means of knowing these facts, as undoubtedly would have been done; since no scruple was made of acquainting the house with a subsequent order very lately sent to the duke of Ormond, allowing him to join in a sense which was a further evidence that he had before some order of restraint, for otherwise this last order would be unnecessary and absurd; it being a general, constant, and standing instruction to every Commander in Chief, by land or sea, to do his utmost endeavour to destroy the enemy. And it is manifest by this last order, that even in the opinion of the ministers, it was expedient to take off the restraint, in some degree; and the leaving the duke of Ormond under a

restraint from giving battle to the French seemed most unreasonable, and inconsistent with the liberty assigned to him of joining his wife, and residing at altogether unconfined in place, when taken, could be of such assistance to the allies as Cambridge, which opened a free passage for our army into the heart of France, and it was impossible to imagine the allies, without detaching the French from their encampment, and this was also impossible, if the French would keep their ground. Great attempts seemed to be of little use, but might serve to give the French time, which they did not want still to acquire.—Silly, That they conceived it would be discretionary to her majesty's honour, to make faith, and that justice which was due to her majesty's allies; and that it was a sort of imposing upon our allies a constraint of arms, without their consent, and in the most prejudicial manner, because they were not so much as requested with it, and so might have had amongst themselves besides that, a limited and confined advantage upon us at the common enemy, which might be of fatal consequence to the nation and all Europe.—Silly, because it was acknowledged that a General Peace was not concluded, and that it was very unlikely it should be, then having been no answer or notice given by the French to the specific demands of the allies, though the same were delivered to the French three months ago, and it was further declared, there was no Separate Peace, nay, that such a Peace would be foolish, harmful, and dangerous. And, therefore, while we were in war and having no security of a Peace, their lordships conceived that such an order of restraint was a plain negation of all those happy expectations which Providence might, and lately did, put into our hands, of subduing our enemy and forcing him to a just and honourable Peace. And surely it was surprising and dangerous, a rely on the promises of France, which were so far from being any security that even a Peace could not be safe, in their opinion, unless it be such as gave no full satisfaction to the allies, that they should be willing to join with us in a mutual Guaranty of it.—That her majesty's having with great wisdom declared to this parliament, That the best means of obtaining a good Peace was to make early preparations for War, and a vigorous prosecution of it, and since the parliament had with great duty and deference to her majesty, and a just zeal for the interests of their country, and of Europe, given very great supplies for that purpose. Their lordships conceived that such an order of restraint, being very different from that declaration of her majesty, must be the effect of very ill advice, by which the parliament's good intentions would be defeated, and all those happy fruits of wages, which they have so long and cheerfully given, rendered fruitless and unnecessary, and might, in some chance, after having thus trifled away our wealth and time, bring us into the necessity of accepting such a Peace, as it should please

as evident and demonstrating every to you or."

The Protest was also published abroad in French and other languages, and the names of the peers who signed it were the dukes of Devonshire, Marlborough, Rutland, Bolton, Mansfield, and Somerset, the marquess of Chester, the lords of Wharfedale, Derby, Northampton, Rutland, Godolphin, Warwick, Oxford, and Scarborough: the lord viscount Townsend, the lords bishops of Oxford, Sarum, Bangor, and St. Asaph, and the lords Rockingham, Cowper, Newcastle, Melfort, and Halifax.

[*Bill to restrain the Licentiousness of the Press*] June 3. Sir Gilbert Delves reported from the committee of the whole house, to whom it was referred to consider of that part of her majesty's Message to this house, the 15th of January last, which relates to the great Licentious taken in publishing false and scandalous Libels, the Resolutions which they had directed him to report to the house:—

"1. That the great Liberty taken in printing and publishing false, scandalous, and impious Libels, creates division among her majesty's subjects, tends to the disturbance of the public peace, to the increase of immorality, profaneness, and atheism, and is highly prejudicial to her majesty, and her government. 2. That the want of a due regulation of the Press, is a great occasion of the said mischief. 3. That all Printing-Presses be registered with the names of the owners, and their places of abode. 4. That in every book, pamphlet, and paper which shall be printed, there be set the Name and the place of abode of the Author, Printer and Publisher thereof. 5. That no Bookeller, or other person, shall sell and expose any book, pamphlet, or paper, to which the name and place of abode of the Author, Printer, and Publisher shall not be set." The Commons ordered a Bill to be brought in upon the said Resolutions.

[*The Queen's Speech concerning the Plan of the Press*] June 6. The queen came to the House of Peers with the usual solemnity, and having given the royal assent in several bills, her majesty made the following Speech to both Houses:

"My Lords and Gentlemen,

"The making peace and war is the undoubted prerogative of the crown; yet such is the confidence I place in you, that, at the opening of the session, I requested you, that a negotiation for a General Peace was begun, and afterwards, by message, I promised to communicate to you the terms of peace, before the time should be concluded.—As partisans of that promise, I now come to let you know, upon what terms a General Peace may be made.—I need not mention the difficulties which arise from the very nature of the affair, and it is but too apparent, that these difficulties might have been managed by other observations, artfully contrived to hinder this great and good work.—Nothing however has moved us from steadily pursuing, in the first place, the true interest of

my own Kingdoms, and I have not omitted any thing which might promote to all our allies what is due to them by treaty, and what is necessary for their security.—The carrying of the Protestant Succession, as by law established, is the basis of all our, to these Kingdoms, being what I have meant at least, particular care is taken, not only to have that scheme engaged in the strongest terms, but to have no additional security, in the removal of that prince out of the dominions of France, who has pretended to desert this alliance.—His apprehension that Spain and the West Indies might be united to France, was the chief inducement to begin this war, and the efficient promoting of such an union, was the principle I laid down at the commencement of the treaty.—Former examples and the late successful successions above, have directed it in such means to accomplish this work. I would not content myself with such as are speculative, or depend on treaty only; I insisted on what stood, and to have at hand the power of executing what should be agreed.—I can therefore now tell you, That France at last is brought to offer, that the duke of Anjou shall, for himself, and his descendants, renounce for ever all claim to the crown of France. And that this important article may be exposed to no hazard, the performance is to accompany the promise.—At the same time, the succession to the crown of France is to be declared, after the death of the present Dauphin and his sons, to be in the duke of Berry and his sons, in the duke of Orleans and his sons, and so on to the rest of the house of Bourbon.—As to Spain and the Indies, the succession to those dominions, after the duke of Anjou and his children, is to descend to such a prince as shall be agreed upon at the treaty, for ever excluding the rest of the house of Bourbon.—I or continuing the renunciations disavowed last year, and, as it is further offered, That they shall be enrolled in the most strong and solemn manner, both in France and Spain, and that these Kingdoms, as well as all the other powers engaged in the present war, shall be guarantee to the same.—The nature of this proposal is such, that it eternally stands. The interest of Spain is to support it, and in France, the persons to whom that succession is to belong, will be ready and powerful enough to vindicate their own right. France and Spain are now more effectually devoted than ever. And thus, by the blessing of God, with a real balance of power be fixed in Europe, and means left to us to secure ourselves as human efforts can be exempted from.—A Treaty of Commerce between Great Britain and France has been entered upon, but the extensive duties laid on your goods, and the prohibitions of others, make it impossible to finish the work so soon as it were to be desired.—Care is however taken to establish a market of settling the market, and in the mean time provisions are made, that the same privileges and advantages as shall be granted to any other nation by France, shall be granted in like manner

ness.—The division of the island of St. Christopher between us and the French, having been the cause of great inconvenience and distress to my subjects, I have demanded to have an absolute cession made to me of that whole island; and France agrees to this demand.—Our interest is no longer concerned in the trade of North America, then I have made my utmost endeavours to adjust that trade in the most beneficial manner. France consents to restore us the whole bay and strength of Hudson, to deliver up the island of Newfoundland, with Placentia, and to make an absolute cession of Antigua, with the rest of Nova Scotia, or Acadia.—The safety of our home trade will be every possible way by the demerits of Dunkirk.—Our Mediterranean trade, and the British interest and influence in those parts, will be secured by the possession of Gibraltar and Port Mahon with the whole island of Minorca, which are offered to us on very easy terms.—The trade to Spain and to the West Indies, may in general be settled, and was at the time of the late king of Spain, Charles the second, and a particular provision he made, That all advantages, rights, or privileges, which have been granted, or which may hereafter be granted by Spain to any other nation shall be in the manner granted to the subjects of Great-Britain.—But the part which we have borne in prosecution of this war entitles us to some satisfaction in the terms of peace, I have insisted and observed, that the success at constant in furnishing the Spanish West-Indies with Negroes, shall be made with us for the term of 20 years, in the manner as it has been enjoy'd by the French for those 20 years past.—I have not taken upon me to determine the interests of our manufacturers; these must be adjusted in the Congress at Utrecht, where my best endeavours shall be employed as they have heretofore been, to procure to every one of them all possible reasonable satisfaction.—In the mean time, I think it proper to represent you, that France offers to make the Slave the Harbour in the Channel, to yield Hesse, the Port of Ratis, and Lintz, and to raise all the fortresses, I wish on the other side of the Rhine, and in that river.—As to the Protestant interest in Germany, there will be, on the part of France, no objection to the restoring thereof the free of the treaty of Westphalia.—The Spanish Low-lands may go to his imperial majesty; the Kingdoms of Naples and Sicily, the Duchy of Milan, and the places belonging, to Spain on the coast of Tuscany, may likewise be yielded to the emperor by the Treaty of Peace.—As to the Kingdom of Sicily, though there remains a dispute concerning the Cession of it by the Duke of Anjou, yet the disposition thereof is not yet determined.—The interests of the *Ames-terdam*, with respect to commerce, are agreed on, as they have been demanded by their own merchants, with the exception only of some very few species of merchandize, and the entire *Am-sterdam*, as demanded by the States in 1702, from

France, except two or three places at most.—As to those companies several expedients have been proposed, and I make no doubt but the Treaty may be so settled, as to render the Republic perfectly secure against any surprize on the part of France, which is the foundation of all my engagements upon this head with the States.—The demands of Portugal depending on the disposition of Spain, and this Article having been long in dispute, it has not been yet possible to make any considerable progress therein, but my plenipotentiaries will now have an opportunity to adjust that long dispute.—Those of the King of Prussia are such as I hope will admit of little difficulty on the part of France, and my utmost endeavours shall not be wanting to procure all I am able to accomplish.—The difference between the Barrier demanded for the Duke of Savoy in 1702 and the offers now made by France, is very considerable; but, that point being so equally disappointed founded in the terms of the London treaty, I am endeavouring to procure for him still further advantages.—France has consented, that the Elector Palatine shall continue his present rank among the electors, and remain in possession of the Upper Palatinate.—The electoral dignity is likewise acknowledged in the House of Hanover, according to the desire insisted, as that prince's claim, in my demands.—And as to the rest of the above, I make no doubt of being able to secure that several interests.

"My Lords and Gentlemen,

"I have now communicated to you, not only the terms of peace, which may, by the future treaty, be obtained for my own subjects; but likewise the proposals of France for satisfying our allies.—The former are such as I have reason to expect, to make my people most sensible for that great and unequal burden which they have lain under through the whole course of this war; and I am willing to hope, that some of our confederates, and especially those to whom so great sacrifices of treasure and power are to signify by this peace, will very soon bear their share in the glory and advantage of it.—The latter are not yet so perfectly adjusted, as a more mature might have required them; but the season of the year making it necessary to put an end to the session, I resolved no longer to defer communicating them to you.—I can make no doubt, but you are all fully persuaded, that nothing will be neglected, on my part, in the progress of this negotiation, to bring the Peace to a happy and speedy issue; and I depend on your own confidence in me, and your cheerful concurrence with me."

"This Speech occasioned a general report; so that the public funds, which upon the expectations of better conditions of peace, had that morning risen five or six per cent, fell immediately to their former value. It was now only 20 shillings, what remains reduced next appears to keep up the price of the negotia-

[*que L'annee d' Address of Thanks*] The members then returned to their House, and were again members opening their mouths, in proposing the taking the important matter into consideration her Majesty's Speech, into consideration, they were previously stopped by a general cry for an Address of thanks. Whereupon, the following Address was agreed to, *nam scilicet*

"Most gracious Sovereigns

"We your Majesty's most dutiful and loyal subjects the Commons of Great-Britain in Parliament assembled, beg leave most humbly to acknowledge your Majesty's great condescension, in descending to us the Lords upon such a General Peace may be made. Our hearts are full of gratitude for what your Majesty has already done, and we most warmly repeat the satisfaction, with which we have received all that your Majesty has been pleased to impart to your Commons. We have an entire confidence in your Majesty, that you will steadily pursue the true interest of your own Empire, and that you will endeavour to procure for all your allies what is due to them; by which and what is necessary for their security. These assurances are the best returns which your faithful Commons can make to so much condescension and goodness; and they humbly desire your Majesty, that you will please to proceed in the present negotiation, by the obtaining a speedy Peace."

[*The Queen's Answer.*] The Address being, in the 6th, presented to her Majesty, by the whole House, she was pleased to return the following Answer:

"I Have the safety and interest of all my people much at heart, that I cannot but take a great deal of pleasure in this your dutiful and prudent Address, and thank you most heartily and I have studied your wills, and by this you will find the good effects of that confidence which you place in me, and which obliges me to remain between so affectionate a people, and such faithful subjects."

[*Proceedings of the Lords on the Queen's Speech.*] Things went not so smoothly in the House of Lords. Anna, as the Queen was called, is motion being made for an Address of thanks, the earl of Wharton said, "They had all the reason in the world to do it, especially for that part of her Majesty's Speech, wherein she was pleased to declare, That the

war between Great-Britain and France; for if such a plan had been communicated to the parliament, before a majesty had been sworn in; both Houses, and the minds of the people prepared by a long train of artful and plausible representations, it would, in all probability, have been exploded with indignation. But by the delivery of the present magnificent things was brought to such a pass, that though, in the House of Commons, one or two members proposed the taking the important matter, contained in her Majesty's speech, into consideration, they were previously silenced by a general cry for an Address of thanks." [*Resolved*

resolving the Protestant Succession in the House of Hanover on these Longman, was what she had desired at least. That her Majesty's Speech containing many other particulars of the greatest consequence, he was assured, the House would do well to take it into serious consideration the next day;" which was accordingly agreed to. Accordingly, on the 11th of June.

The Earl of Haverley proposed, that the letter from the States General to the queen, presented to the assembly in the Amsterdam French Gazette, which arrived that very morning, might be read. But this was opposed, it being suggested, that the House ought not to take notice of a writing, if it carried no authority with it. After this the Lords took the queen's Speech into consideration, which occasioned a warm debate. Among the rest,

The Duke of Marlborough reported, "That the measures pursued in England, for a year past, were directly contrary to her Majesty's engagements with the allies, which the triumph and glories of her reign, and would render the English more odious to all other nations."

The Earl of Strafford said, "That some of the allies (meaning the Dutch) would not show such backwardness to a peace, as they had hitherto done, but for a number of that otherwise sensible (meaning the duke of Marlborough) who wrote and a secret correspondence with, and endeavored to persuade them to carry on the war, feeding them with hopes, that they should be supported by a strong party here."

The Lord Corbett answered this speech; and, because the earl of Strafford had not expressed himself with all the purity of the English tongue, he took occasion to say, "That noble Lord had been so long abroad, that he had almost forgot, not only the language, but the constitution of his own country. That, according to our laws, it could never be suggested as a crime in the smallest subject, much less in any member of that august assembly, to hold correspondence with enemies; with allies especially, whose interest her Majesty had declared to be inseparable from her own, in her speech at the opening of this session, wherein it would be a hard matter to justify and reconcile, either with our laws, or the laws of honour and justice, the conduct of some persons in treating clandestinely with the common enemy, without the participation of the allies."

The Lords took, whereupon, into consideration the advantages offered by France to Great-

"June 17. Lord Wharton is gone out of town on a rage, and carries himself and friends for raising themselves in defending lord Marlborough and Godolphin, and asking Nottingham was formed. He returns he will confide no more during this reign; a pretty speech at 68, and the queen is near twenty years younger, and now an very good husband." [*Resolved*

Spain, particularly in settling the trade to Spain, and to the West Indies, as it was in the time of the late King of Spain Charles the 3d. To this purpose,

The Lord of Godeolphin said, "That he did not pretend to any great knowledge in trade, but that, during the time he had the honour to be in the administration of affairs, he had observed, and he could easily make it out by the books of the Customs house, that the single trade to Portugal brought to England, in value of wool, double the wealth of the trade to Spain, in value of goods; so that, whatever might be suggested, so that it must be the eyes of the people, it was to be perceived that the trade to Spain would still hold firm for the future, because the French had made themselves absolute masters of it."

After some other speeches, a motion was made, "That an Address be presented to her majesty, to return her the thanks of this House for her most gracious speech, and for her extraordinary consideration in consenting to her petitioners the vote, upon which a General Peace might be made: and to express the entire satisfaction of this House in her great care for securing the Protestant succession to the house of Hanover; and for her steady pursuing the true interest of her own kingdom; and for endeavouring to procure to her that what was due to them by treaty, and so secure her, that this House did entirely rely on her wisdom to finish this great and good work."

Some exceptions were made to the words 'entirely rely,' and the House was moved, as the House of Commons had likewise been upon the same occasion. That these words might be added, "And in order to that, that her majesty would take such measures, as might with her allies, as might induce them to join with her majesty in a mutual Guaranty." This occasioned a debate, in which the Lord Brougham and Lord Palmer spoke against that addition, and the Earl of Nottingham and the Lord Campbell for it. It was urged in opposition to this clause, that it would subject the queen and the whole country to the pleasure of the allies, who might prove backward and intractable: and, while England had borne the present share of the burthen of the war, it was reasonable that the queen should be the arbiter of the peace. On the other hand it was said, that if the allies did not enter into a guaranty, we must depend on the faith of the French, and be at their mercy, and so have nothing to trust to, but the goodness of a man's word, in a course of years, for a time of perfidy. But many had formed an absolute resolution to get out of the war on any terms; and therefore nothing that seemed to obstruct the moving speedily at that end, was heard with patience, and no regard was had to the faith of treaties. The question being at last put, Whether the clause should be added? It was resolved in the negative by 31 voices against 24.

The contents of this great majority were then read to her, 1st, Because the French, of which

the Anti-Court party had more than the Court side, were not called for, and told, That several Peers did not think so, as that clause to vote against the Court.

The Queen's Answer to the Lords' Address, June 30. The Lords petitioned their Address to the Queen, which, besides the ordinary formal ceremonial reading, had the usual *Reverence* paid; and to which her majesty was pleased to return the Answer.

"I was heavenly thank you for this Address. The animation you display in what I have had before you, will contribute very much to remove the difficulties which have arisen in the course of this negotiation. And the confidence you place in me will enable me better to finish this great work, for the advantage of my my people, and the safety and interest of my allies."

Protest against rejecting the Guaranty Clause, in the Lords' Address. Several Lords entered a Protest against the rejecting of the Guaranty Clause, which was added to the close of the motion for an Address, and signed their Names for it, which were soon after published in print as follows.

"We think it necessary to have the reasons proposed of a general Guaranty, and the rules, because we conceive the terms of peace that are offered, have proceeded from a separate negotiation, carried on by the ministers of France, without any communication thereof to the principal allies, particularly the States-General, so thereby in the light to her majesty, (whose interest her majesty was pleased to declare in this parliament, she looked upon inseparable from her own) and we conceive the negotiation to be contrary to those orders which her majesty declared to this House, in answer to their Address, that she had given to her plenipotentiaries at Utrecht, to concert with those of her allies; and the resolution expressed in her Message, January the 12th, of a new union, in which she proposed to join with them, in order to obtain a good peace, and to guarantee and support the same, as she had before declared in her speech at the opening of this session; that she would unite with them in the strictest engagements for continuing the alliance, in order to render the General Peace secure and lasting; and contrary to the 5th Article of the Grand Alliance, which expressly obliges all the allies not to treat, unless jointly, and with the common advice of the other parties.

"And we conceive that the refusal of these words proposed to be added, may be looked upon by the allies, as if this House approved this method of transacting with France, which may seem to them to tend to a Separate Peace, of which her majesty has declared her dislike, and which was acknowledged in this House to be foolish and unwise, and would be of pernicious consequence to this Kingdom, by preventing that Guaranty of Peace by the allies, which is so absolutely necessary for their mutual security, and leave us exposed to the power of France, those being high reasons to reject

for future help, after such a gross breach of trust.

"And we further conceive, that such a separate proceeding may prove to the allies regrettable, as may induce them to take the like measures, and to give the French opportunity to break that union, which has been hitherto so useful to us, and formidable to them; any appearance wherewith would encourage France, either to delay the conclusion of a peace, or to oppose upon the allies to the further progress of the war.

"A perfect unanimity the allies seem to us to be more necessary to the present case, because the foundation upon which all the offers of France, relating to Great Britain, as well as Switzerland, are built, viz. a renunciation of the debt of Ajoux to that Kingdom, is, in our opinion, so fallacious, that no reasonable man, with but whole nations, can ever look upon it as any security. Experience may sufficiently convince us, how little we ought to rely upon the renunciation of the House of Bourbon, and though the present duke of Anjou should happen to think himself bound by his own act, which his grandfather did not, yet will his descendants be so Harry to say, that no act of his could deprive them of their hereditary, and especially when it is such a right, as, in the opinion of all Frenchmen, ought inevitably to be maintained, by the fundamental constitution of the Kingdom of France.

"And we humbly think it would be depend upon the principal part of the treaty's existing itself, by supposing it will be the interest of France to support it, since, on the contrary, it is manifest by the French conduct, ever since the Pyrenean Treaty, to undo the securities of France and Spain, they look upon that House to be their greatest interest, and the most effectual means of establishing the survival monarchy in the House of Bourbon.

"And if it were reason able to imagine, that the two crowns of France and Spain should remain as distinct branches of the House of Bourbon; yet that is contrary to the Grand Alliance itself, which treats the usurpation of the Spanish monarchy by the French king, for the debt of Ajoux, as the principal cause of the war.

"As to Port Mahon, Gibraltar, the Azores, and the other advantages in Britain proposed by France, though that they are all pretences, and in the power of France and Spain to take them as when they please; considering the situation of those Kingdoms, and the vast wealth and strength which will be left behind, we conceive it impossible for any man to look on them as a compensation to Britain in any degree, for the having Spain and the Indies in the possession of the House of Bourbon, which, besides other infinitely bad consequences, must be extremely prejudicial to our woolen manufactures, if a duty not certain for it.

"As to the destruction of Dunkirk, though

we own it will be a great safety to our home-trade, yet we have reasons to apprehend, yet what was said in the debate, that it is not yet agreed to be demolished, without any equivalent first to the French king's satisfaction.

"And as all the particulars relating to the allies, though they are not perfectly adjusted, yet by what does appear concerning them, the allies are likely to be left in such a state of weakness, as is absolutely inconsistent with our own safety.

"The Rhine is proposed for a Barrier of the empire, which leaves Strasbourg and Hanover in the hands of the French; the former of which has always been looked upon as the key of the empire.

"The proposals of France relating to the Barrier for the States-General, not only deprive them of all the places taken since the year 1709, but also of two or three places more, included in the demand made by the States in that year, which will render their Barrier wholly insufficient, and consequently very much weaken the security of Britain.

"Portugal seems to be wholly abandoned to the power of Spain, notwithstanding the great advantages we have received during the war by our trade with that Kingdom, which might still be extremely beneficial to us.

"Upon the whole, there is so very little and considerable a difference between these Offers of France, and those made at Utrecht, February the 17th, 1713, and upon Blanken, (so appear to us upon our comparing them together) that both seem to be the effect of a secret and particular negotiation with France; and the House having unanimously conceived, in expressing to her majesty their disapprobation at those terms offered to her majesty and her allies, by the plenipotentiaries of France; and her majesty having graciously accepted that our Address, and rewarded that they had not with her heavy Thanks, we cannot, in respect to her majesty, or justice to our country, without that opinion, not think the terms now good for us or the allies, or give any seeming approbation of them, which then were received by the House, and all the allies, with more and determination.

"For these reasons, we are of opinion, that the offers of France are fallacious and unworthy, no ways proportioned to the advantages which her subjects from the great successes which it has pleased God to bless her and her allies, during the whole course of this war might justly expect for her own Kingdoms, and for those very sufficient for preserving a balance of power in Europe, for the future security of her majesty and her allies, though they should be never so exactly performed; and yet, even such as they are, there is no effectual security offered for the performance of them, which makes it absolutely necessary, as we conceive, that such measures should be taken in concert with the allies, to men induce them to join with her majesty in a mutual guarantee. (Signed) Strauch, Godolphin, Blenheim, Marlborough,

these delivered, by which I hope to satisfy those people who have objected a chip of the principle to me, as if I were not even the same man I formerly was. I never had but one opinion of these matters, and that I think is irrefragable and well grounded, that I believe I never can have any other.

Another reason of my publishing this Sermon at this time, is, that I have a mind to do myself some honour, by doing what honour I could to the memory of two more excellent preachers, and whose very highly deserved at the head of all the people of these countries, relative my own value in the Protestant Religion and the true values of the English government, of which they were the great deliverers and defenders. I have lived to see their glorious names very truly justified, and the good benefits they did our nation, awarded rightly and contemporarily. I have lived to see our deliverance in an arbitrary power and property, rendered and upheld by some, who formerly thought it was their greatest merit, and made a part of their boast and glory, to have had a little hand and share in the laying of down our liberties, which without it, would have lived in dark, poverty and misery, scarcely deserving it, as being all the rights which we should have. Who could expect such a reward of such reward? I have, I mean, an opinion of exchanging myself from the number of unthankful people, as all I lived and have seen of these great people living, and have seen ever those who died, so I would gladly do it as a monument of praise, as being an any thing of more due to; and I chose to do it at this time, when it is so irrefragable a thing is spent gloriously of them.

The Sermon first was preached upon the date of Cromwell's death, was printed quarterly after, and is now, because the subject was insupportable, passed to the others. This is not the most pressing and hopeful price was, at that time I was, especially by great and many remarkable men have manifested us, that I could we have been ever valued. This process, life, and I should be glad to have prolonged it to the end of my life, and lived on many more and profitable and dark of days, and prevented many others that have long kept us, and will keep us still without end sorrow. Nothing remained so constant and support in under the heavy stroke, but the necessity brought the king and a new order, of settling the Government in the House of Hanover, and giving it an hereditary right by act of parliament, as long as it continues Protestant. So much good had God, in his merciful providence, produced from a sentence, which we could never otherwise have voluntarily deplored.

The fourth Sermon was preached upon the spot's execution in the throne, and is the first year in which that day was solemnly observed, (the by some accidents or other it had been overlooked the year before) and every one will know, without the date of it, that it was preached very early in the year, upon I was

these delivered, by which I hope to satisfy those people who have objected a chip of the principle to me, as if I were not even the same man I formerly was. I never had but one opinion of these matters, and that I think is irrefragable and well grounded, that I believe I never can have any other.

Another reason of my publishing this Sermon at this time, is, that I have a mind to do myself some honour, by doing what honour I could to the memory of two more excellent preachers, and whose very highly deserved at the head of all the people of these countries, relative my own value in the Protestant Religion and the true values of the English government, of which they were the great deliverers and defenders. I have lived to see their glorious names very truly justified, and the good benefits they did our nation, awarded rightly and contemporarily. I have lived to see our deliverance in an arbitrary power and property, rendered and upheld by some, who formerly thought it was their greatest merit, and made a part of their boast and glory, to have had a little hand and share in the laying of down our liberties, which without it, would have lived in dark, poverty and misery, scarcely deserving it, as being all the rights which we should have. Who could expect such a reward of such reward? I have, I mean, an opinion of exchanging myself from the number of unthankful people, as all I lived and have seen of these great people living, and have seen ever those who died, so I would gladly do it as a monument of praise, as being an any thing of more due to; and I chose to do it at this time, when it is so irrefragable a thing is spent gloriously of them.

The Sermon first was preached upon the date of Cromwell's death, was printed quarterly after, and is now, because the subject was insupportable, passed to the others. This is not the most pressing and hopeful price was, at that time I was, especially by great and many remarkable men have manifested us, that I could we have been ever valued. This process, life, and I should be glad to have prolonged it to the end of my life, and lived on many more and profitable and dark of days, and prevented many others that have long kept us, and will keep us still without end sorrow. Nothing remained so constant and support in under the heavy stroke, but the necessity brought the king and a new order, of settling the Government in the House of Hanover, and giving it an hereditary right by act of parliament, as long as it continues Protestant. So much good had God, in his merciful providence, produced from a sentence, which we could never otherwise have voluntarily deplored.

The fourth Sermon was preached upon the spot's execution in the throne, and is the first year in which that day was solemnly observed, (the by some accidents or other it had been overlooked the year before) and every one will know, without the date of it, that it was preached very early in the year, upon I was

from the States General to the
 (considered of). The same day a Com-
 missioner to the House of a grand
 lord, "A Letter from the States
 of the Queen of Great-Britain," the
 brought up and read as follows.

"After all the proofs which your
 Majesty has given during the course of your glori-
 ous reign, it is your great wish to share the good
 of your Majesty's reign to the common cause
 of Europe, and, above all, to many marks you
 have had in your Majesty's reign, of your tender
 regard and of your friendship to our repub-
 lic, and after having in its numerous tribulations
 given us and that which has been of your com-
 mune. That just things should not be
 common, a treaty, and the war was com-
 menced, and a dispute. It is impossible to
 avoid us, but we must and offered by the
 States, as we have lately received, and after
 your Majesty's orders of your Majesty, the first
 lord of the Council, your great wish, it is the
 most noble and noble without any orders
 and your Majesty, by the bishop of Utrecht,
 and your Majesty, to the Congress of Utrecht,
 and your Majesty, promising that we did not
 avoid us, we could the proposals which you
 had made us, and that we should not be in
 our art with your Majesty, as the subject of
 it is, you would take your measures apart
 and that you did not look, upon yourself to be
 under any obligation to order with respect
 to us."

"As soon as we had notice of those Decla-
 rations, we sent orders to our ministers, who
 has the honour to reside at your Majesty's
 court, to represent to you the reasons of our

We want, as I shall have a Separate Peace
 of all that can be said; and that must be
 without a guarantee from the others; and when
 a Peace is that like to be? It is now said, that
 England is to constrain the King of France to
 submit to the States with a Barrier in their hands,
 and the rest will come in, or stand out without
 any danger. But I am afraid England has lost
 all her commanding power, and that France
 shall be in her hands, and may use us
 at her pleasure, which I dare say, will be as
 friendly as we desire. What a change has
 ten years made? your Majesty may now
 imagine you are growing young again, for we
 are full, certainly, and the very things of
 Charles the seventh's politics, saying, that they
 were more reasonable, because our money
 was then in an full power and better, as might
 have been said, and a poor luxurious prince,
 that would not be distributed, we needed to
 not much more, because of England's loss
 of his power. The present means may put you in
 that as above, with this last difference still, that
 the revenues of the States, which were then
 to be taking place after an interval of five or
 six and twenty years; and after such an inter-
 val, as we would have thought should have
 quite killed up and destroyed them." (Tisdal,

page 10, and the consequences of these Decla-
 rations, and to require you, with that request
 which we always had, and which we shall be
 to continue for your royal person, as I you
 would I give other orders to the States within that,
 that it may act with all possible vigour, re-
 garding to the progress of the war, as I that
 your Majesty would have the powers to con-
 sideration with respect, and of it, then that is
 the bishop of Utrecht has declared in our place
 promising, as I wrote.

"But the more we consider these Decla-
 rations, the more important we find them, and
 the more we apprehend their consequences:
 therefore we could not forbear applying our-
 selves to this letter directly to your Majesty,
 hoping, that you will consider it, as we possess
 confidence you will, both from your goodness
 and wisdom, and from your so much famed
 and for the public welfare; particularly from
 your personal friendship and affection for us and
 our people."

"We protest I love all things, that, as we
 ever had a true friendship as well as the highest
 respect for your Majesty, and a sincere affec-
 tion to all your interests, with no constant de-
 sire to live in a perfect good understanding and
 union with you, we have still the same senti-
 ments, and shall always persevere in, wishing
 for nothing more, than to be able to give your
 Majesty the most convincing proofs of it."

"And now, we pray your Majesty to con-
 sider, according to your great protection,
 whether we have not just ground to be sur-
 prised, when we see a step put, by an order in
 your Majesty's name, without our knowledge,
 in the operations of the Confederate Army,
 the most and strongest, which, perhaps, has
 been in the field during the whole course of
 the war, and provided with all necessary to
 act with vigour, and that, after this had march-
 ed, according to the resolution taken in con-
 sult with your Majesty's General, almost up to
 the enemy, with a great expenditure both as to
 the number and quality of troops, and ar-
 mament with a noble courage and and to acquire
 themselves bravely, so that, in all human ap-
 pearance, and with the divine assistance, which
 we have experienced so rarely, as in many
 other instances, we should have been able to
 either to battle or to give, to grant great advan-
 tages over the enemy, as have favoured the
 efforts of the Allies and to facilitate the re-
 storation of Peace."

"We desire ourselves ordered with the King
 which the date of Utrecht has given us, that
 in a few days by express other orders, but as
 the terms are, we are sorry to see one of the
 first opportunities lost, being given us, when
 we should have another so favourable, when
 the enemy have just given them to satisfy
 themselves, and take their precautions, while
 the army of the allies has still without action,
 and consuming the image of reward, depart
 themselves of the means of advancing for them
 to be in those places, when, by concert,
 the operations of the campaign were directed."

which may make such enterprises impossible hereafter, as were practicable now, and contrive to make the whole campaign more credit, to the inevitable prejudice of the common cause of the High Cause.

"I certainly, when we consider the union as it is, your Majesty and the House of your Majesty and the other allies, joined together by common enemies, is not for the greatest advantage and furtherance of the common cause, and the assistance which your Majesty had given us by your letters, by your ministers, and last of all, by your general of the Duke of Ormonde, of your ministers, that your troops should be ordered to act with their usual vigour, as well as the engagements into which your Majesty is entered, not only with respect to us, but also separately and jointly with us, in respect to the other allies. It is very difficult for us to understand and conceive how an order so prejudicial to the common cause, given so suddenly, without your knowledge, and undoubtedly too without the knowledge of the other allies, can agree and agree with the nature of such a union, and with these assurances and engagements just now mentioned. For though, according to the desire and of the bishop of Bristol, your Majesty is this year will be discharged from every obligation with regard to us, it is plain, that the matter now in question is not our personal interest or advantage, but that of all the allies, who will suffer by the prejudice which an order so late expected most needs being to the common cause.

"But, saying, we cannot forbear telling your Majesty, that the Declaration made by the bishop of Bristol, at Bristol, has no less surprised us than that of the date of the word as the army. It appears to us a circumstance that we have not been to request it with the great goodness and kindness which your Majesty has always had with us with, and not being able to conceive how such a sudden change could happen, with respect to us, we are not only surprised but afflicted that. We have carefully read and our papers, and find nothing in it that can have given ground to that creature whom which your Majesty supports with us by the Declaration.

"From the very first day that your Majesty entered the Cause, we treated all the difference that you could draw from a state of friendship and alliance with you. We carefully considered your wants and abilities, and, considering the happy result which a good intelligence, harmony and union between your Majesty and us, and the two Houses might produce and have really produced, and the advantage which result of them there to both, as well as to the common cause of all the allies, we made a our business hereby to cultivate them, and more and more to give your Majesty's confidence and to confirm ourselves to your Majesty as such as quickly we could.

"We think that we give a good proof of this, particularly with regard to the engagement of peace and of only affecting were in-

stead of the confidence formerly held in England upon the 10th 1700, we did suppose your Majesty would give us an account of them, having the full confidence in the friendship for our republic, and in your Majesty the good of the commonwealth, that nothing could be done in regard to the peace.

"But, when you Majesty was ordered to act in the particular situation upon the 10th 1700, we did not expect when you joined us in the 10th 1700, and having a due regard to the Duke of Devon, and engaged us to be that and we were prepared for the same, we did not expect to be, though we had many reasons, which to us seemed very good, and we did not enter into such a treaty as a better friendship, or at least, making the convenience of the other allies. But, in preference your Majesty's secret to our own, in order to give you a new proof of our friendship.

"We did so late, with respect to the difference which were started on the subject of the treaty of the mutual assistance for the engagement of the present law to your Majesty's kingdom, and for our honour, a treaty of such importance to the two states, should look upon it as the strongest reason could be thought on to make for ever the mutual assistance of both; considered with the nature of the assistance and raised on both sides in the most authentic form, for though we might have stood in the treaty as a treaty, yet we entered into a treaty of such friendship, and particularly on the point of the assistance, concerning which we give us great assistance such assistance, if we are largely assisted but all the assistance could have been obtained by mutual consent, as if that we should thereby have entirely retained your Majesty's confidence; if it is such the assistance in the first place, which the treaty of a treaty for a General Peace was in hand, your Majesty declared to us by your ambassador, that you desired to have then our concurrence in that single point, and thereby made of our confidence, and that then you would give us every additional proof of your affection towards us, and of your upright intention, with respect to the common cause of all the allies, and that afterwards, when the difference about the Succession and the Barrier were raised, your Majesty did likewise say to us, that if we would send something upon the most essential point, and particularly about the affair of the assistance, it would be the way to re-establish a mutual confidence, which being more restored your Majesty would not particularly to limit the nature of the treaty, and act in conjunction with us in the whole negotiation, to obtain an honourable, good and true Peace.

"But, we had considered very much with our expressions, made at the very same time when we made the present address towards your Majesty, and that we did very before we should come to an agreement about the

use of the Revolution, and for a noble privilege."

Mr. Thompson, before he rose, Addressed to Mr. Gresham, and the other members present, a short notice of the Revolution, which, in his opinion, was the most important event of the year. He then proceeded to read a paper, in which he stated, that the House of Commons, in the course of the year, had passed several resolutions, which, in his opinion, were of great importance, and which, he thought, would be of great service to the country. He then proceeded to read a paper, in which he stated, that the House of Commons, in the course of the year, had passed several resolutions, which, in his opinion, were of great importance, and which, he thought, would be of great service to the country.

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The Queen's Answer. [The Queen, having attended the coronation with the usual splendour, her majesty was pleased to return the following Answer.]

"Gentlemen, I thank you for my thanks for the Revolution, which is now before me. who truly regret that all my resources—You have shown yourselves true servants of the monarch, and true friends to the Protestant suc-

"It was observed, that the Queen was pleased upon it nearly to exult. Mr. Secretary R. Jones, then, on the other hand, would not have been made your ally. I feel sure, to justify the Queen's conduct, which gives evidence to the people of the world. The House of Commons, in the course of the year, had passed several resolutions, which, in his opinion, were of great importance, and which, he thought, would be of great service to the country."

cessors—What I have said and done, is sufficient to satisfy any person who is in a hurry for the Succession, as by law established in the House of Hanover, that I need not to be put in mind of doing any thing which may contribute to render them Successors secure."

The Queen's Speech at the Adjournment [June 21. The Queen came to the House of Peers, and the Commons having sent for her in 1710, after giving the royal consent to several bills, made the following Speech.]

"My Lords and Gentlemen,
The last time I was here, I spoke to you fully, and at length, of the state of the House of Peers, and the Commons, then there was a little more to say at the close of this meeting at parliament, but it is to repeat my hearty thanks to you for the services you have done. They will give me strength to struggle with the difficulties which every day presents, and I hope, that neither they who carry the leading a good Peace, nor also that of their interest to continue the war, will be able to defeat our joint endeavours for the honour and advantage of Britain, and the security of all our Allies."

"The House of the House of Commons;
As the same year that I think you most ready for the Supplies you have cheerfully granted, I cannot but let you know my satisfaction in the new view I have of a Peace, since it will, in some measure, recompense my subjects for their war expenses, and also lighten the burden I wish they have borne during the war."

"My Lords and Gentlemen;
You will be surprised how sensible you are of the advantages and security which accrue to Great-Britain, and our Allies, by the treaty proposed for a Peace. And I need not mention to you the dangers which must follow the breaking off of it. Our business will be almost certainly, if not increased, the present opposition, would be irretrievably lost, of Britain's establishing a new balance of power in Europe and improving our own commerce; and if any one of our Allies should gain something by such a proceeding, the rest would suffer in the common calamity. But I hope, by God's blessing, with total danger will be disappointed. You are now entering into your respective countries, and I persuade myself, you will not be wanting in your endeavours, to observe the designs of any ill-woulded persons, who may attempt to sow sedition among my subjects, and under specious pretences, carry on designs they dare not own.—I hope, at your next meeting, there will be an opportunity of perceiving what I have recommended to you, which you have left unfinished in this Session.—I cannot conclude without assuring you, that nothing shall move me from my seat, pursuing the true interest of so dear and affectionate a people."

Both Houses were then adjourned.

Principal Occurrences during the Revolt. [The History of the Revolt.—London Ad-

June.—Mr. Secretary St. John created Viscount B. Anglebrook.—Death and Character of the Earl of Godolphin.—Mr. Dole of Northburgh returns beyond a sea.—The Treaty of Peace brought over.—The Parliament meets after eleven Proclamations. [The adjournment, instead of a general meeting, received and received satisfaction from everyone, it was intended as a further instruction to Mr. Walpole, who rather chose to continue present in the House, than to make his submission. Others imagined, it was intended, that, at the expiration of the adjournment, the House should no longer be the shop with its business. But, whatever ground there was for the first of these conjectures it appeared there was none for the latter, for at their next meeting, on the 6th of July, the post which it is now usual to the 21st of the same month. Upon which Mr. Walpole, and the other persons who were under confinement by order of the Commons, were of course set at liberty.—Though the queen in her speech, and they approved of her choice of Peace, yet there was not a word of the Address; many indeed, who intended to move by their address oral, had imagined it in their speeches, but both Houses observed one omission, one to express their being satisfied with the plea of the Peace, though it was covertly managed.

On the 13th of June, an assembly of the lord mayor, aldermen, and common council of the city of London, a motion was made for addressing the queen about the peace, against which some objections were made by Mr. Oddest Heathcote and Mr. Charles Pears, who objected 'That, the making peace or war being the prerogative of the crown, they ought not to meddle with it.' But the majority, who knew that such a step would be very acceptable to the court, being of a contrary opinion, it was carried for an Address, which being, two days after, presented, with another from the University, the queen laughed John Cass and William Mount, the clerks, and Samuel Clarke. Upon that a sort of an Address was presented every where, full of gross flattery, magnifying the present conduct, with severe reflections on the former measures, which were carried back to King William's reign. Some of those Addresses mentioned the Protestant Succession, and the house of Hanover, with such, which still is more coldly, and some made no mention at all of it. And it was universally believed, that no Addresses were so acceptable to the monarch, as those of the last sort.—But neither the number, nor the mass of Addresses, which, during the remaining part of the week, were presented to the queen, were able to suppress the murmurs of the Whigs, and some of many Tories, who if I may use the terms of France contained in the queen's speech. On the other hand, the satisfaction not to see comparison with which the queen's speech was received in Holland, it seems to be approved, and corresponds again it were published both by the Dutch and the English.

"A few days after the making of the Parlia-

ment, Mr. Secretary St. John was created viscount B. Anglebrook." The earl of Godolphin died of the stone, on the 12th of September. He had served in considerable campaigns under four princes of very different tempers and dispositions. Opposite opinions have been delivered of his talents and character. Some regard him as being born, some as being created a great man, while others have freely accused him for numerous defects in the latter, and others have been given by the chance of place and distinction. The first man's name was connected with the downfall and success of the Tories, but he saved, the cabinet Rochester, but Rochester died, he was one of the highest places that it bore. As he had numerous actual appointments to the Whigs, the Tories and Tories got at them and got rid of them. He, while governing was not unkind to both the Tories and Whigs, and even prudence, good temper, and success could not secure him a general good will and confidence. The defects were very common and discovered for the propriety of him, and his talents, and his disposition and his character, particularly those with the queen, were fully explained, his opinion in the matter of the matter would be the subject of great admiration. The Union of the two kingdoms was his work, and, though that constitution has been often condemned by great numbers of bad parties, yet it is it alone before the merit of the parliament or the king of the Union, the Protestant Succession was secured, the influence of France on the affairs of Scotland was much diminished, many schemes of trade and commerce were removed, and the trade resulting in it a whole mind were immediate and important, and which, in the perpetually increasing. Affairs, and the force of recommendations, imposed upon him in some instances, but his great concern was to employ more of capacity and industry, and such were born of his conduct towards him. He had a true sense of the nation's welfare, and of the proper methods of restoring it. He is said to have preferred great appearance of wisdom by silence and reserve, it is particularly of behaviour expected to be agreeable with a great and a common mind. But this was not owing to any ill nature and severity, for in all such cases, on hearing, he discovered a surprising quantity of reason.

"On July 11. Mr. Secretary St. John is to be made a Viscount. He himself I was of the pleasure of his present. His Letter of thanks will from a work that might have given a deal of reputation, and got him the title." On July 17. Secretary St. John is made Viscount B. Anglebrook. I could hardly persuade him to take this title, but he the whole he was so heartily had it in his own hand, and it was his own choice. He did not like it, and he did not like to be called Viscount, which I think is a very odd title. You will be it of course that I have been the first of the first, but we believed it was a very odd title of some other kind." Selkirk's Journal.

a quick and most civil discourse; he kind, equal, and obliging manner endearing him to all, who had the pleasure and advantage of his conversation. His behaviour in the court was so frank, that, when she was inclined to chide him, she, and she, would not allow her to chide him into her chamber; and, contrary custom of preserving her privacy into her house, the gentlemen sent a letter was sent to order her to break in.

His becoming manner of his conversation, procured in the first of great men of all ages and all employments. Had this been duly considered, such severe reprehensions, laid out upon him, upon the manner of his late of play and horse-racing; by which he had been exposed to much, and too frequently engaged with the most worthless of men, profligate and wicked. But after all, when the objection is thoroughly examined, nothing will appear but a faulty choice of improper amusements; and there were no imputations upon him of any basest practices, though such were then common to persons of his rank. Nor did his love for these diversions ever drive him off from the duties of his high station. His letter to the queen just before his departure, furnished us with the fullest view of his worth and character, and time hath abundantly verified the representations, which he therein made with dignity and decency, a becoming earnest, and an honest freedom. Such a sense of affairs, and such expressions, could only proceed from a mind truly great and truly good.

Upon his death the Duke of Marlborough rushed to go and live beyond sea. He went away in the end of November, and his death followed him in the beginning of February following. This was variously considered; some pretended it was the grief and sorrow of the miseries of his country; and they represented as the effect of fear, with too serious a view to secure himself. Others were glad he was safe out of all hands; whereby, if the nation should fall into the convulsions of a civil war, he would be able to assist the election of Hanover, as being so entirely beloved and confided in by all our military men; whereas, if he had died in England, it was not in his character, but, upon the least shadow of suspicion, he would have been immediately returned, but now he would be at liberty, being beyond sea, that as there might be occasion here. There were two men began agreed how the one was for the 1/2 per cent, which the foreign princes were careful should be deducted for contingencies, of which an account has been given. The other was for arrears due to the soldiers of Marlborough's army. The queen had given orders for building it with great magnificence; all the bargains with the soldiers were made in her name, and by authority from her; and in the premises of the acts of parliament, which confirmed the grant of Woodstock to him and his heirs, it was said the queen built the house for him. Yet now, that the tradesmen supply her majesty with

of Woodstock the queen refused to pay any more, and set them upon suing the date of the bargain for it, though he had never entered the delivery of them. Upon his going beyond sea, both these suits were stayed, which gave occasion to people to imagine, that this measure, being intended to see an early public respect paid to him, when they had used as ill, had set these proceedings on foot, only to render his stay in England uneasy to him.

On the 2d of April 1712, being Good-Friday, Mr. St. John arrived at Woodstock with the Letters of Peace and Commerce, signed the Treaty of Peace, between the British and Dutch plenipotentiaries, and the news, that the ministers of Portugal, Savoy, Prussia, and the States General, had likewise signed their respective treaties, which was immediately reported in the evening by popular reports. Four days after, the queen held a council at St. James's, at which the lord keeper Harcourt was declared Lord High-Chancellor of Great Britain, and at the same time the date of Albiol was sworn of the party crowned. This done, the queen proposed to the board the ratifying the Treaty of Peace and Commerce, to which the earl of Cholmondeley objected, saying, "That matter being of the highest importance for her majesty and her Kingdom, as well as all Europe, it required the constant consideration; and these treaties containing several terms of the said kind, in which the first ratification might be of great consequence, and being, besides, concluded in Latin and French, it seemed very necessary to have them translated into the vulgar tongue." He was supported by another member; but, the vote agreed on for the exchanging of the ratifications and adjusting of delays, their opinion was over-ruled, and so the queen ratified the Treaty. The next day the white-staff, as Treasurer of the household, was taken a candle and of Cholmondeley, and as Richard Temple was removed from his command of the regiment of dragons, formerly commanded by the earl of Dover. The Peace being thus signed and ratified, the queen resolved not to defer any longer the Meeting of the Parliament, which had been prorogued no fewer than eleven times.¹²

" January 12. I went to day with Lord Treasurer. After dinner he was talking to the lord about the Speech the queen must make when the parliament meets. He asked me how I would make it? I was going to be serious, because it was seriously put; but I turned it to a jest. And, because they had been speaking of the doctors of Marlborough going to Flanders after the date, I said the Speech should begin thus: 'My Lords and Gentlemen, In order to my great grief, and that of my subjects, I have thought fit to send the doctors of Marlborough abroad after the date.' This took well, and raised the discourse. I must tell you, I do not at all like the present intention of affairs, and remember

greatest man, and cannot be employed in more of Peace—I must leave you to provide the supplies you shall judge requisite; and to give your dispatch as soon as convenient for your country, and the public service.

—My Lords and Gentlemen.

"The many advantages I have obtained for my pen, suffered this address to stand upon, and long delay to this Peace.—It affords me great satisfaction, that my people will have it in their power, by degrees, to repair what they have suffered during so long and barbarous a war.—The many our Foreign Lords, as far as is consistent with national credit, will excuse your care; and to think of proper methods for improving and encouraging our home trade and manufactures, particularly the fishery, which may be carried on to employ all our spare hands, and be a mighty benefit even to the remotest parts of this Kingdom.—Several orders were laid before you last session, which the weight and multiplicity of other business would not permit you to perfect: I hope, you will take a proper opportunity to give them due consideration.—I cannot, however, but expressly mention my displeasure, at the unparalleled immorality in publishing addresses and scandalous Libels.—The numerous trade printers have met with, has encouraged the blaspheming every thing sacred, and the propagating opinions tending to the overthrow of all religion and government.—Promulgates have been ordered: But it will require some new law, to put a stop to this growing evil; and your best wisdom, in your respective stations, to discourage it.—The impious practice of Durling requires some speedy and effectual remedy.—Now we are entering upon Peace abroad; let us engage you all, to use your utmost endeavours for calming men's minds at home, that the acts of Peace may be obtained. Let not groundless jealousies, fomented by a faction, and fanned by party rage, effect that which our foreign success would not. I pray God to direct all your consultations, for his glory, and the welfare of my people."

"April 2. I was the morning with Lord Treasurer, to present to him a young son of the late earl of Jersey, at the death of the widow. There I saw the most and great stock for Lord Treasurer, who was going to parliament. Our society met to day; but I expected the House would no longer than I stood so fast; so I dined with a friend, and never reached home earlier than at eight this evening, when I went to Lord Ockley's, where I found Mr Thomas Blount. The speech delivered his speech very well, but a little weaker in his voice. The crowd was vast. The order for an Address was moved; supported by both Nottingham, Delany, and Compton. Lord Treasurer spoke with great spirit and resolution; Lord Pembroke stood upon the side of Marlborough Order in a disagreeable manner, but it was so moved to be at last

[The Lords' Address.] The speech being returned, and the Commons gone back to their House, the Duke of Devonshire made a motion for an Address of thanks, which concerned a debate, chiefly about the expression of a General Praise. Some were urged, that it could not be said to be general, since the expression, the whole of the House, and what proceeded from members the House, were not yet come into it. But they were answered, That it might justly be called general, since the major part of the House had agreed it. After this, another motion was made, That in the Address of Thanks, a clause might be inserted, That the majority would be allowed to lay before the House the list of names of Peace and Commerce. but, the question being put, it was carried in the negative by a majority of 24 against 23. The Address of congratulation being agreed to, though without any approbation at the Peace, it was presented to the Queen, and is as follows:

"Most gracious Sovereigns;

"We your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, do, with the greatest joy and satisfaction, return our humble thanks to your Majesty, for your most gracious speech from the throne; and for communicating to your parliament, that a Peace is concluded; by which we hope, by the blessing of God, that your people will, in a few years, recover themselves after so long and expensive a war; and also do congratulate your Majesty upon the success of your endeavours for all round Peace. We never had the least doubt, but that your Majesty, who is the great support and ornament of the Protestant religion, would continue to take, as you have always done, the most measured for securing our Protestant Succession: so much which, nothing can be more necessary, than the perfect friendship there is between your Majesty and the House of Hanover.—And we heartily thank your Majesty, that, as you express your dependance, most tender God, upon the duty and affection of your people, we thank ourselves bound, by the strictest ties of religion, loyalty, and gratitude, to make all the dutiful returns that can be paid by the most obedient subjects to the most indulgent sovereigns."

[The Queen's Answer.] Her Majesty returned this Answer:

"My Lords; I do most heartily thank you for this Address. And be assured, that I take a particular satisfaction, that you so kindly express the confidence you have in me."

[The Commons' Address.] The Commons being returned to their House, as usual; Mr. Pitt made a Motion for an Address of Thanks, which was carried over, and the motion for a clause, That the Terms of Peace and Commerce might be communicated to the House, was lost. The next day Mr Pitt,

Habits's importance.—The order for an Address passed by a majority of 23, and the House rose before six." See the Journal.

Chairman of the House, after appointed to draw up the Address, reported the same to the House, and after a short debate, about the words, "to me accomplished," which by a great majority were voted to stand, the Address was agreed to, and on the 11th presented to the Queen as follows:

"Most gracious Sovereign,

"We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave, with all humility, to approach your royal person with our warmest acknowledgments for all the benefits we enjoy under your Majesty's most auspicious reign.—The many and great victories which have attended your Majesty's arms, had left it to you to be wished, but with a Prince as mighty as you, that your Majesty's arms should have the happiness to be accomplished, and as we are truly sensible of your Majesty's generous and generous intentions, in undertaking this great work, so we have all possible reason to assure your steadiness in carrying it on, and overcoming the many difficulties considered to obstruct it—and it is with the highest satisfaction, we congratulate your Majesty upon the happy conclusion of the Treaty. We are only to mark (concerned of your Majesty's tender regard to the public welfare, and the many instances of your wisdom have taught us to have as perfect a reliance upon it, that we cannot but that your Majesty hath pursued all reasonable satisfaction for your allies, and enabled of the interest of your own longlands in such a manner, as to make us not only secure for the future, but a flourishing and a happy people.—Your Majesty can give us higher proof of the care you take of peace, than by the concern you are pleased to express for the Protection of commerce in the House of Burgundy, upon which the future happiness of this Kingdom so much depends. We hope, and trust, that nothing will ever be able to interrupt the friendship between your Majesty and that illustrious Prince, since the united dangers of those who would endeavour to separate your crowns, must be too plain ever to succeed.—Your dutiful Commons are never enough content the grateful sense they have of the many generous measures contained in your Majesty's April 1st, and after what your Majesty hath done to ease your subjects of this heavy burden which lay on them upon them, and what your Majesty's paternal goodness in demanding nothing from them for the loss in arms, but what they themselves had judge right to, for the same safety, and to ensure their safety, will be a ready and dutiful compliance with every thing you may have pleased to recommend, and they cannot but be extremely in yet about paying the said money for this year's arrears.—Your Majesty's repeated consideration, even in the strongest manner, engage the loyalty and affection of all your subjects to you and us, and we are satisfied we can never truly represent them, than by contributing what assistance to make your reign to

prosperous, glorious and only on yourself, to be a beneficial and happy to your people."

The Queen's Answer: To the Address agreed was presented to us as,

"Gentlemen, The Address cannot be so very agreeable to me, as it comes from so loyal Commons, and as it is a confirmation of those expressions they are entitled what you have shown through the whole paper sent."

REMARKS ON THE COMMISSIONERS OF THE TREASURY.—Remarks on the Management and Disposal of the Public Revenue.—Editorial for the Day.] April 18. Mr. Baggot, from the Commissioners to examine and state the Debts due to the Army, Transport service, and such as would be, had before the Commons, their Report, with their Remarks on the Management and Disposal of the Public Revenue, and the Report of their Proceedings in examining the Debts due to the Army. Both which Hypotheses were after printed, and the substance of which is as follows.

"Your Commissioners, since their last Report, have finished a general State of the Receipts and Issues of his Majesty's Exchequer, from Michaelmas 1709, to Michaelmas, 1712, and from Michaelmas 1711, to 1712, being two years more of the time allotted for their Inquiry into the Accounts of the Kingdom, which they humbly offer to your consideration, with their further Remarks on several Misapprehensions and unreasonable Pretensions proposed concerning the Management and Disposal of the Public Revenue.

"We begin with their relating to the concerns of the Army, which, in our opinion, have greatly contributed to their exorbitant expense with which the War hath been carried on by this nation. And we hope what is here proposed may answer the expectations of the House, though we are forced to omit many particulars for want of opportunity to examine the Deputy-Paymaster in such, through whose hands most of the public money, issued for the service, hath passed.

"Mr. Sewel, Deputy-Paymaster in Holland, could only give us satisfaction in some Misapprehensions there; and we, apprehending a great Enquiry into them of importance to the public, transmitted in October last, a precept to him at Amsterdam, requiring his attendance on us, which we understood would be an impediment to the present service, he having, before that time, been dismissed from his employment. But, instead of complying with our summons, he showed an indifference of our inquiries into his Holland, which being no longer than the continuance of our Commission, and a request grounded on reasons not fit to be answered, we reserved our precept, and treated on his appearance, with such books and papers as would enable him to give us an exact account of all the public money he had received and paid during the course of his office. His answer, which was a repetition of

11. 1711; and no personal information is, we think, to be expected from him, without the concurrence of parliament.

Mr. MARRAS, Deputy-Paymaster in Portugal, is Irish-born, and we are usually charged with looking into his accounts. But the Paymaster-General hath sent over a petition to Lords, requesting and praying them—

Mr. MARRAS, Deputy Paymaster in Spain, is now arrived in England, but we have not been provided of any of his papers and books, till very lately, and, for that reason, do not propose to offer any opinion on his accounts.

One of the great Mismanagements of the King's, that of paying regiments without established allowances.

The Paymaster-General hath returned on such to us, That the regiments of Hogen, d'Am and Dalat, were paid by authority of the General's warrant only. Whereas, according to the best information we can receive, no regiment, troop, or company, ought to be paid, without being first placed on some establishment, agreed by the crown, and counter-signed by the Lord High-Treasurer, or Commissioners of the Treasury, for the time being, and otherwise the General could not regularly draw such payments, unless the crown had directed this power upon them, which does not appear by any commission or instructions to have been done. Nor can we understand how they could charge the substance of several regiments, serving in Spain, with the large payments that have been made to a body of Cavaliers, served there after the battle of Almanza.

The money given for contingencies and extraordinary services of the war, is by the General's commission subjected to their discretion, because it was impossible to write any exact establishments for those regiments, especially in the distant parts of the war. But to increase the number of forces beyond what was fixed by the crown, and provided for by parliament, is plainly raising men, and consequently money, without the consent of either.

As some regiments have been paid which were never on any establishment, so we find others paid before they were established. The regiment of Bruce received £,0251. 2s. 3d. from the time it was raised to the 25th of Dec. 1708, when it was first placed on the establishment for Flanders. The regiment of Power received pay from the 25th of January 1710 when made Dragoons, to the 24th of December. The regiment of Nassau, from the 15th of July 1709, to the 24th of December. The regiment of Tyrrel and Fiddling, from April 1711, when they came from Ireland, to the present time. The regiment of Huchford, from the 5th of August to the 24th of Dec. 1709. The regiment of Dehouerby for the year 1709. The Earl of Galway's Spanish regiments of foot for the same year. But of this last regiment we have referred to very uncertain accounts, that there seems to have been an unnecessary expense done on the garrisons, by providing for us, as well when placed on

establishment, as when not. For Captain Henry Pullen hath deposed, That he had a captain's commission in it, dated the 25th of April 1708, given him by the Earl of Galway. That he arrived in Portugal in June following, when he heard the regiment was taken prisoner: that he only found two or three officers there, but never saw any private men, nor never heard that any soldiers were taken. The Commissary and the Paymaster-General have likewise both deposed, That they never saw any muster-rolls. But there was a list of prisoners returned to the Paymaster, when the regiment was supposed to have been taken by the enemy, whereas in no order than the name of one private man inserted; which hath excited a suspicion, that it was an imaginary regiment only, and never actually raised.

Some regiments have been placed on several establishments at the same time; Farrington's was provided for by parliament in the year 1707, on three establishments (viz.) on that of the 40,000 men in Flanders; on that of the 30,000 men in Flanders; and on the additional establishment of Spain and Portugal. Marlborough's and Maccartney's were provided for on the establishment of the 30,000 men in Flanders, and on the additional establishment for Spain and Portugal. Hall's and Hotham's were put to both the estimates for Spain and Portugal for the same year, and were provided for by parliament. The sum of 90,000*l.* 10*s.* 2*d.* was given more for these five regiments than was applied to their use; But Mr. Bridges alleges, that so much of the sum allotted to the regiments of Marlborough, Farrington, and Maccartney, was moved for the pay of some foreign corps.

Other regiments have been paid different from their respective establishments; That of Elliot was placed in the years 1703 and 1706, on the establishments of the 40,000 men in Flanders, at 4*l.* 1*s.* 6*d.* per diem, but paid by Mr. Bridges at the rate of 3*l.* 1*s.* 2*d.* Those of Loh, Farrington and Maccartney were in 1708 and 1709, on the establishment of the 30,000 men in Flanders, at 4*l.* 1*s.* 6*d.* per diem, but paid at 3*l.* 1*s.* 2*d.* That of Hotham was on the establishments of Spain and Portugal in the years 1708 and 1710, at 4*l.* 1*s.* 6*d.* per diem, but paid at 3*l.* 1*s.* 2*d.* That of Marlborough, in 1708, was on the establishment at 4*l.* 1*s.* 6*d.* per diem, but paid at 3*l.* 1*s.* 2*d.* That of Farrington, in 1708, was on the establishment at 4*l.* 1*s.* 6*d.* per diem, but paid at 3*l.* 1*s.* 2*d.* That of Maccartney, in the same year was on the establishment at 4*l.* 1*s.* 6*d.* per diem, but paid at 3*l.* 1*s.* 2*d.* That of Elliot was on the establishment at 4*l.* 1*s.* 6*d.* per diem, but paid at 3*l.* 1*s.* 2*d.* From whence it is observable, that there was given by parliament a considerable sum, more than was applied to the service, or to yet otherwise as necessary for.

As these regiments have received less than their establishments, so that of Charles had received 5,154*l.* 12*s.* 6*d.* more; it being placed on the establishments for the years 1708 and 1709,

money, that since I had, at those times, given up my regiment and pay as general-officer in Flanders, and borrowed money to provide myself for the expedition, my creditors must surely wait till I return, though according to Mr. Howe's explanation of the warrant, I was not yet dead. On this explanation, my Lord Treasurer promised to grant a second warrant, which, though for the whole sum of 55,000*l.* should serve only to clear on the second remittance of the first. And I then going a volunteer to Flanders, proved that this warrant might be made payable to captain Gardiner, or to whom the whole money was then due. — If at this place relation, I have omitted any thing, you are desirous to be informed of, or if by waiting on you in person, you think I may give your honourable board any further satisfaction, I will readily obey your orders to Gentlemen, your, &c. G. Macartney.

“ November 12, 1712.”

“ This Letter is so far from removing the irregularity of the payment, that it adds some circumstances, which are more aggravating, than what hath yet appeared to your commissioners. But, before we proceed to any observations, we must acquaint the House, that the Memorial (which Mr. Macartney presented to the Lord Godolphin, and of which he says we have to expect a copy from Mr. Gardiner) is either lost or withdrawn. It is not to be found in the Treasury, nor in the office of the solicitors of the treasury; and Mr. Godolphin declares on oath, that he neither hath the original, nor any copy; which deprives us of the opportunity of examining into the grounds and reasons of this case. But, from what hath been proved to us, the first warrant seems to have infected disposition of appropriated money, which ought not to have been paid but for services performed; and the clause ordering the advance of a year's pay, though the major-general should die sooner, is not to be justified. If then the first warrant should be thought unreasonable, the second perhaps will be judged more so, when it is considered, that it was not only grounded on a false suggestion, and contained a direction to exempt the payment from the customary deduction of grantees up and wages, but was procured at a time when major-general Macartney was under his majesty's high displeasure, and as major-general Wetherill had actually a right to the pay, as commanding into his command. By which means if the expedition had taken effect, the government had been put to a double expense. Major-general Macartney might have reason to apply to the then Lord Treasurer, and the then secretary at war, for release (as he calls it) and more on the performance of their engagements to him since he had at three several times up his regiment, and borrowed money. But this is no regulation, that they could at that juncture, consistent with their respective trusts, and without deceiving his majesty, possibly have agreed, or concluded to pay his debts out of the public

money; or that Mr. Howe had not a more strict regard to his duty, in refusing to comply with the first warrant. Nor is the advancement of the pay, from 2*l.* per diem to 3*l.* to be justified by what this letter says. For the account there given, is rather an accusation of those concerned in it, in borrowing away the public money to gratify private interests and seductions.

“ However, when the pay was settled, he might with justice, had he continued in command, have claimed it as it became due out of the money appropriated to that service. But, as the case stood, there was no pretence whatever as for paying the sum in question. For he could not claim it, as commander in chief, because (as has been said) he was not so, when the second warrant which took effect, was granted, and the expedition itself was totally laid aside. Nor could he claim it as an equivalent for his regiment, because any such bargain was illegal, and could by no means subject the extravagance of the war to the conditions of it. Now whether the person, who received the money, remains accountable to the public for it, or whether he is not, in some sort, discharged by the servants, is a question properly for the decision of the House.

“ Another instance of Mismanagement in the Army, is, concerning the troops complete. The deputy-commissionary in Flanders, Mr. Marshall, hath declared on oath, That, at the beginning of the war, he was directed by the Duke of Marlborough to master the troops in her majesty's pay those complete when defective; that he received a pension per troop and 20 shillings per company, as a gratuity or perquisite, on every master from the subject troops; that he never mastered the foreigners, only some corps of them in the year 1704, without having any treaty or establishment for his guide; that he does not know of any other person employed in that service, except Mr. Armstrong, who was concerned (as he has heard) to Leagu to were part of the augmentation troops; that he received gratuities on account of the Hanover and Hessian troops; that he applied to the Duke of Marlborough after 1709, for a power to master the foreigners in her majesty's pay, but never could obtain it. The deputy-commissionary in Spain hath likewise declared on oath, that, by order of their respective generals, they always mastered the subject troops complete, and agreed the rolls without knowing them at learning, and that of their number or conditions; but that they never mastered the foreigners. Mr. Pitt received as a gratuity or perquisite, on every master, half a penny per troop and company, during the whole time of his being commissary. Mr. Cusack received all provision for the two first years, that he was made commissary, but the last 18 months, received a pension per company, and a shilling per troop.

“ This still is, we see, grounded on the given orders, on the Duke of Marlborough's in Flanders, on the other generals in the

other parts of the service, and it is justified by the pretence of applying the non-effective money to the recruiting the army; which is obliged, to have been so far from paying a disadvantage to the public, that it hath been a loss to those officers, who were obliged to receive their respective regiments, troops and companies, and to take it as loss of secret money. Notwithstanding which, your commissioners think themselves obliged to take notice, that those warrants, or orders of the generals, have been a direct breach of the law, an occasion of great expense to the public, and a detriment to the service. First, they are a direct breach of the law. For by the acts of raising and detaching, the commissioners are joined to answer only officers, and that as a very precise and exact matter. If the contrary practice had been thought reasonable to the public, no doubt the best claims would have prevailed it in some of those acts, which were only temporary, and every year capable of receiving any amendments. But being constantly renewed as the same strict service as the officers, though frequently altered as to other points, they seem to be as many repeated violations of the practice. Nor can your commissioners be informed that these acts are any attempt to purchase or make it legal by those who devised it; and it may therefore be presumed, that they either did not think fit to own the practice, or that they apprehended themselves under no obligation to the law in this case, as not extending to her majesty's forces abroad. But such a construction can by no means be admitted, being inconsistent with the design and nature of laws, intended to regulate the army in case of war, and so to be a rule to the Paymaster-general. For if the effect of these should be restricted to the forces at home, which are but few, then the troops in service abroad, which are the greatest part of those in her majesty's pay, would be under no discipline, the public money squandered without any method or rule of payment, and all the ends of these extremely defeated. A further proof of the irregularity of this practice, was when it was judged proper to allow a man per company on the muster-roll, for maintenance of officers poor widows, the queen was empowered by a particular clause to give such orders to the several commissioners. Which supposes the money could not otherwise have legally done it in a case that must be confined to be of great encouragement to the service. If then the money could not dispense with any part of these laws, your commissioners conceive no manner and upon an affidavit of them will never be indulged or justified in others, on any pretence whatsoever.

⁴⁰ This practice was necessary, as well as usual. For all the pretended uses of it might have been effectually and regularly answered by receipts, if they had been made in the manner prescribed by the acts. But that having never been done during that practice, the commissioners have no long been obliged; the

officers made the only discharges on themselves with respect to the allowance. The money disposed of the right of disposing of the money ceased by receipts, and that power transferred to the general. But it has also been an occasion of great expense to the public, and a detriment to the service. The Paymaster-general (as he upon an apology for himself) was under an obligation of paying and rendering more money, than was sufficient for carrying on the service. For the troops being increased complete, and the muster-roll being his only guide, he was constrained to make his payments full, though he had reason to believe the troops were at the same time not above half complete, particularly those in the more remote parts.

⁴¹ The earl of Godolphin, when lord-treasurer, ordered him in 1707, to prevent the practice of muzzling and paying the troops complete, as a grievance in the earl of Galway (created in Spain and Portugal) and he accordingly did it in very pressing terms, as declaring great losses to the public.

⁴² We are unable to explain how it came to be continued after so just a Remonstrance against it; no reason appearing to us, why there to the treasury should attract the opinion of the great losses occasioned by it. For the earl of Galway's return to Mr. Bridg's representation, was answer to the objection, but a confirmation of the truth of them. So little regard was afterwards had to the complaint, that in the year 1709, on clearing an account of discharges to Portugal, the earl of Galway, upon demands to the respective colonels of those regiments to collect each troop to 25 private men; and that, having that number on the spot, they should pass as complete, though by the establishment they were to consist of 45. On a computation of the pay for the 14 men per troop from the 24th of August 1701, (which was the time when those regiments were placed on the establishment for Portugal) to the 24th of July 1711, there appears the sum of £1,000 to have been paid, or unapplied, by virtue of this account. After the earl of Galway left the service, the method of muzzling the troops complete, was pursued by all the succeeding generals in those parts, till her majesty, highly sensible of the bad consequences of it, and apprehending the expense of the Spanish war would thereby become insupportable to her subjects, was graciously pleased in 1711, to send instructions to the deputy paymasters there to pay none but effective, and then the commissions of 25, which had been so long abused to, was owned and re-proposed in their full light. But the whole matter will be best explained by the Letters, Orders, and Memorials of the generals and paymasters, and we are prepared to present printed copies thereof, when the House should be pleased to call for them; together with the most material depositions relating to every other subject in this Report. Whereby it is hoped you will receive satisfaction, that we have stated no fact, without evidence, nor any

agreed any observations without authority. It might be added, that this method had been a regular mode of expense, by supplying Portuguese, Transports, Clothes, and other necessaries, according to the full establishment; and the troops (as is before said) being every where defective, and in some parts of the war not above half complete, the loss on these heads must be proportionable to the deficiency.

We cannot yet form any representation of the produce of the Non-effective Money, or compare it with the expense of recruiting; because the Paymaster-General hath only exhibited to us some abstracts thereof, returned from his Deputies abroad, which he repeat almost as perfect accounts. Nor can we receive any more certain information in this matter from Mr. La Force, who was secretary to the general from the beginning in Portugal. For he deposes, that the book, in which he kept an exact and correct account of all the Non-effectives in Spain and Portugal, was taken from the office some time before he left Lisbon; and that the loss of this book disables him from giving an account of the Non-effective Money, which he could otherwise very particularly have done. It cannot therefore be determined, whether the loss has fallen on the public or the recruiting officers: But on what side never it hath fallen, that persons are equally culpable, and will need little to the satisfaction of those who discern it. It is highly probable the loss hath only affected the public, otherwise it will be difficult to account for the constant commissions, which have been made to the same names on every occasion by the subject troops, or for the process which was given successively by his Majesty. For we cannot suppose that they would make payments, or allow perquisites, for what they found no injury to them. However that be, the demand or even the acceptance of commissions or money from the troops by the commissioners, still is a debt to be accounted a corruption in them, as both as to the appearance of it, and merit be admitted to be in some degree a breach of their duty, as, it must be granted that (as they stand in their own defence) they could be guilty of no breach, because they lay under no obligation, and were not their officers, as officers of arms, and men of duty.

What hath been likewise said relates only to the Majesty's subject troops. But the management have been yet greater and more gross, with respect to the Foreign Forces in Dutch pay; they never having been mustered at all. For neither the money made by Mr. Marshall in conjunction with the Dutch commissary without treaty or establishment for his goods, nor what reported to be made by Mr. de Montmorency of a particular corps at Liège, can be accounted money, no less thereof being returned to the British commissioners, or payments. But if it should be insisted on, that there were money; it is extraordinary that (such as they were) they should be discount-

ered, and that the commissioners application to the duke of Marlborough for an order to mustered them on succeeding years, should be unnecessary. The reason given in support this practice, as it concerns the subject troops, seems with regard to the Portuguese. For then, or that companies persons are always allowed both ordinary or extraordinary reward or pay, besides their constant pay; as appears by the several returns, commissions and discharges with them; and there is not the least colour for their being mustered complete, when they were defective, nor any excuse for those who refused to give pay for their being mustered at all. Because the public paying always complete, is thereby evidently defrauded, and, in effect, pay twice for the same thing.

Your Commissioners would not remonstrate, that the raising the necessary in 1708 for mustering the foreign troops, was as applied to correct exactly, as the stipulation for the deduction of two and a half per cent from their pay. But it is very remarkable, that the warrant for the deduction bears date in 1708, and that since that year, the foreigners have received their pay only 1 per cent under regulation, though we are informed, that in the service of the States-General were constantly mustered.

We cannot omit observing further, that the payment of the commissions to the foreigners in the last account to the pay pay, of her Majesty and the British General, from General's payment to his Majesty, at Mr. Van Shuerbroeck, secretary to the council of States, without the presentation or concurrence of any appointed by her Majesty that year. Now it is to be noted that in no less such commissions can be assigned as vouchers in paying the money at the payment, or to be an order of the States General charge the public money of Great Britain. And yet, since the beginning of the war, no less than the sum of 107,772*l.* 2*l.* 2*d.* hath been paid on this head only.

This practice of mustering complete was never devised here in England; Mr. Colborne, deputy commissary-general, hath deposed, that it never is to be done, and that he gave orders not only to the deputies in England, but to all the deputies abroad to receive only what they were allowed in each regiment for the support of widows and orphans in absent. However, the returns have been made without due regard to the acts of justice and direction, or to the instructions given to the deputy commissaries, some instances of which were reported to the House the first session of this parliament by a committee appointed for that purpose, and some others have since appeared to us. Several persons who have long served in the first regiments of foot-guards, have declared on oath, that for the two last years there have not been in any company of that regiment above 28, and sometimes but 25 men, whereas there should have been 55 fighting men; (which they were lately reduced) that the number of several

persons were appointed in the regts, who were never listed nor were in the regiment, and others certified such for the sergeants without knowing them, or knowing any thing of the state of their health. The same irregularities have been practised in other regiments, but with less effect, by neglecting them, however, they are very common.

There is a pretence of measuring in Scotland, but the Regts have always been returned complete, and by the acknowledgments on oath of several officers belonging to the regiments of dragoon horse, and of Mr John Campbell, late contractor for providing forage, the troops have ever since the Union been generally no more less, than their complements besides the officers tents, and two halfpence returned in each troop, whenever any were wanted, except a few in general. John's regiment, and that for a short time only. This is confirmed by the oath of Mr. Rutherford, in whose name the commission of master-marshal was issued, dated the 25th of July 1709, and who occupied that office; but by an agreement with one Mr. Elliot, a baronet in Fort-Riddings, (for whose use that commission was obtained) he was to receive only 6s. 8d out of the 30s per day, payable to the commissary by the establishment, and was also obliged to give to Mr. Elliot the perquisites of 2 guineas per troop, and 10s. per company allowed by them as such master. Your commissioners therefore are not surprised to find that the publick hath suffered by this manner in Scotland, when the office of master-marshal was given to a person unqualified for it, and he employed a deputy (for Mr. Rutherford swears he was no more, though named in the commission) as so hard upon. Besides, Mr Elliot was at that time agent to the earl of Hardwicke's regiment, an office not consistent, we apprehend, with that of master-marshal. The ill consequences of these false masters, appear likewise in the unnecessary expense of forage for the dragoon horse. For they were very defective, as well in the army, and the contractors from the officers as the contractors, were also complete. Mr. Corbett complains, that when he was contractor, he received the queen's bounty-money for over 300 horses more, than he provided with forage.

The Management of the Hospitals is another service of the Army, and we therefore lay before you such informations, as we have received, of the expense charge in providing provisions for them, particularly those in Spain, together with the halfpence the sick men were then ordered by the scarcity and unwholesomeness of the provisions, and by the great frisks of the persons, who prevented beds, medicines and other necessaries for them. Dr. La Caze deposed, that he attended the hospitals in Spain for some time, that he, observing the accounts of Mr. Marks, the surgeon, to be very extravagant, refused to sign them, which as physicians he was required to do, that during the 3 years Marks conducted doctors, such

salaries and the publick for 6d. a day, having 3d. deducted from the payments. That Marks allowed the commissary such (which were generally one half) only 3d. per day to provide for themselves, and charged to the government 2s. 6d. for each of those men, that that was the highest charged from the same list, in June 1708, when Marks was in command. That Hospitals were, for the years 1706, 7, and 8, paid out of the penning of the army, being principally supplied by Charles Lister, a physician and apothecary both sworn to that fact. In June 1704, a contract was made with Dr. La Caze of 1000 pounds from the government, and 3d. per head from the regiments. The contract continued above a year, during which time the sick were well supplied, as is proved to be, by the oaths of Mr. Blount, surgeon, and Mr. May, chaplain to the Hospital, though provisions were as dear as when Marks furnished them. By comparing the rates of the commissary with those allowed to Marks, it is plain, that the provisions for one half of the men cost the publick more than double what a soldier have been furnished for, and that for the other half the publick paid six parts as much more than the cost received.

As to the Economy and Unwholesomeness of the provisions furnished by Marks, not only Dr. La Caze, physician, but Mr. Clinton and Mr. May, chaplains, have sworn, that very often the beef, and other flesh, was rotten, and that all the provisions were generally so abused, so to occasion a constant mortality. Besides, Marks did not furnish half the quantity which he ought to have done. The allowance to each sick man was fourteen Spanish ounces of bread per week, and he seldom gave more than six. The proportion was the same with respect to other provisions, so that in these two kinds he made as great an advantage to himself, out of the allowance as the poor men, as he had in the other articles from the publick. Dr. La Caze further deposed, that Mr. William Cole was doctor before Mr. Marks, received 1,000*l*. to buy bedding for the hospitals, of which he expended very little, that the rest was lay on the ground, and the surgeons of Valencia in consequence, supplied them with bedding at their own charge; that afterwards Mr. Marks received 300*l*. for the same purpose but never laid out any part of it. So great a mismanagement could not have continued so long, without the connivance, at least, of those persons, who were appointed by the generals to be a check on Marks's accounts; but he being now in Germany, his entire country, we cannot arrive at a more particular knowledge of that matter.

As to the Hospitals in Flanders, we have examined Mr. Cordouant, who audited the accounts, and Mr. Haguel and Mr. Amant, chaplains. The first informed us, that he kept all the accounts, except those of 1711, with Mr. Sweet in Holland, and that he could not charge his memory with any particulars. The other two said, they signed the accounts only as a

major of four millions, examining them—Mr. Hudson, the director of these Hospitals, and Mr. Sweet, the deputy-paymaster, can give the best information. But one is in London, and the other (as is before observed) in Holland; for which reason, we cannot proceed on this subject. That same number will contain notices of the Hospitals in Portugal. Far though we find in Mr. Wedgell's accounts, great sums of money paid by Mr. Haines, to Mr. Backwell, deputy-commissioner there, and to Mr. Keat, some time director of these Hospitals; yet Mr. Backwell being in Portugal, Mr. Keat at Port-Mahone, and their papers not transmitted to England, we cannot know the exact distribution of those sums, or of any other issued to them for that purpose.

" But the Management in the Hospitals should have not been more gross in that kind, than those in Chelsea-College. For it appears on only, that a great many persons have been received into that Hospital, who never served in the Army, as witnesses to the governor, and deputy-governor, chiefs to the deputy-paymaster at the payments, returns to the officers of the lower, and many more; others have been admitted by forged certificates, of which the numbers are too numerous to be inserted here, and we will only mention two. Francis Cox, messenger to the war-office in 1798, made public declarations that he could get any person into the hospital for money. Whereupon abundance of poor people, blind, almost lepers, blind and infirm, applied to him: amongst others Samuel Humphrey gave him 6 guineas, Nicholas Taylor 11 guineas, John South 15 guineas, and were all accordingly admitted, though none of them qualified. Middleton and Dromer, surgeons in the hospital, took 15 guineas from Thomas Ditcher for his admission. Several persons after their admission, have been admitted as their pay, and without qualification to a great work advancement. They are too many to be to be mentioned; but this practice has very much contributed to the charge of the hospital. Some persons who were fit for service, and some, who have sufficient substance to support themselves, have been admitted, as Evans, Hollings, Marlin and Price, with many more, which is contrary to the intention of the foundation, and hath also created an unnecessary expense.

" Another Abuse is the defrauding the Provisioners of a great part of their provisions. It appears by the Depositions of Spencer, Graham and Hardy, prisoners there, that each man's allowance of beef, when killed, seldom weighed above 5 carnes, and very often but four, which according to the establishment ought to have been a pound, when raw. The same persons have sworn, that the provisions are very bad, and no ways answerable to the contracts. The contracts for furnishing provisions have been made at much higher rates than those for other hospitals, and perhaps it is, in some measure, owing to the persons the contractors through themselves obliged to give to the governor and

treasurer-governor William Banks, a butcher, deposed, that he furnished the governor's family with meat, to the value of 110*l* per ann. and gave a receipt for his bill without receiving any money. Mr. Green, the brewer, also deposed, that he made a present to the governor with a receipt for his beer equal to the money, which amounted usually to 20*l* or more; and that about sixteen months since he was persuaded by Mr. Crope, clerk of the hospital, to do the same to the treasurer-governor. The present contracts are made on much worse terms, than the former.

" The State of the hospitals in North Boker is this. Mr. Walter Lockhart, surgeon, by the direction of the lord Godolphin, paid the bill of Decr 1798, 5,237*l* 18*s* 6*d* in money to Mr. Archibald Douglas receiver-general, and gave two certificates for 2,584*l* 1*s* 9*d* more due on the operation; both which sums are a stock to maintain the service. When this discom was given, the money was placed out at an interest on good security, which would in a great measure have supported them. But, since it has been lodged in Mr. Douglas's hands, no interest has been received for it, and they are exhausted out of the capital stock, which in a short time will reduce it to nothing, and leave them without any resource. There is reason to apprehend the expense of the war has been greatly increased, by making contributions abroad, for the army and navy, on terms very disadvantageous to the government.

" As to the Remittance for the Army in Flanders, or Henry Turren was employed by the treasury to make the best bargain he could, and so he was sensible to the public for the profit. We have required these accounts, and the auditor of the imprets, who is governor of them, hath argued us, that he hath not yet been able, by reason of their bulk, to go through them. But we have information on each, of an advantage of one per cent. and sometimes more, made by moving money at Amsterdam, and paying it in Flanders. Captain Lowther, paymaster of the train of artillery, notwithstanding, he retained this privilege to his own private use. But whether the deputy-paymaster in Flanders and Holland had the same board, cannot be known, unless Mr. Sweet and captain Cartwright were in England.

" The Remittance for the Forces in Spain and Portugal have chiefly been undertaken by contractors, and the contractors have always been made on conditions, much exceeding the common rates of exchange. The same methods have been pursued in returning money for the use of the army and ordnance in Spain, Portugal, the West-Indies, and other parts.

" The Managements in the Clothing are as great as in any of the army; and we have not been wanting in our endeavours to detect some instances thereof, in order to have laid them before you. But we are not yet prepared to do it so fully and clearly, as we please to state every thing, which we propose to offer to the house.

"We have enquired into the situation of the several sets of parliament, relating to the money Debentures, but what remained due to commissioners officers, non-commissioned officers, and private men, serving in the last war; and find, that the end of Lincolns, last payment—*gratia, &c. &c.*—is in general, directions given, make not Debentures for what was due to the non-commissioned officers and private men, and ask security from the persons appointed to receive them: that several of these persons have not regularly, and on oath, accounted for them before the said paymaster, nor returned the unissued Debentures, as is directed by the act. That we cannot come to any exact state of what hath been paid, or accounted for, by reason some of those returned with the payment of the private men, have declared appearing before us, though frequently summoned; and others with the securities are dead, and their executors not to be met with. What therefore we have to offer on this subject, is from a return made on oath by Mr. Singer, who was paid next of the Debentures for the end of Lincolns. From whence it appears, That several persons remain still accountable for about 30,000*l*.

"That the Debentures so issued by the paymaster, carried interest; and those which are not discharged by the purchase of Irish forfeitures, have still interest at six per cent. by a parliamentary provision. That the balance of the place where the private men served might be some pretence for those persons not accounting with them within the year, but we can see no reason for their not doing it at so many years, and correspondingly for not paying their accounts with the paymaster in some proportion to us. That there is no ground to believe, the private men, in whose these Debentures were due, are either dead, or not likely to make any claim. And the House will best judge, whether such cases should remain in the hands of private men, receiving a constant interest for the same without any right whatsoever; or whether they might not rather be applied to the public service. We also find about 200 of the Men of Arms, which were prepared by the end of Boscworth in 1703, pursuant to the certificate of the commissioners for settling the debts of the army as due to the non-commissioned officers, have not yet been issued, nor called for, and we may presume, after so many years, will never be claimed. They amount in the whole to 7,100*l*. 10*s*. 6*d*. which will be as much saved to the public, unless they should be taken out by virtue of fraudulent assignments; a practice we have reason to suspect has been too frequent on this occasion.

"Soon after the commencement of our enquiries, we requested Mr. Warfield, last paymaster of the Marines, to lay the accounts of those regiments before us; which, after many delays, he did, but in a very imperfect manner. We issued an order distinct account, whereupon he (being then very ill) sent his clerk Mr. Short, to us; who departed, That the

accounts could not be more perfect against quarter-rents, which Mr. Lyons, the commissary, had not returned. In answer to this, Mr. Lyons hath declared, that he could not make up the quarter-rents further than the 24th, a December, 1709, for want of the ships being sent for, and the confusion from the agents of the Commissioners for Sack and Woodstock. Which books and certificates could not be had from the distant states of the service all those employed there came to England. These delays are prevent now stating the accounts of the Marines. But it is obvious, That the expense of the army is increased by them. The pay is 2,500 marines, according to the established pay, amounts to 125,125*l*. 5*s*. per month. The pay of 2,500 ordinary seamen is 60,000 per month. The extraordinary charge therefore is 85,250*l*. 5*s*. and how best it might be thought necessary to continue in case of peace, is wholly left to the judgment and discretion of parliament.

"The next great branch of Expense is the Payable of the Navy, and we have present what hath occurred to us on this head. First, we perceive considerable balances have continued in the hands of the Treasurers, and of their executors after the time of their deactivation or death; which, notwithstanding the great necessities of the government, have been long supplied to the officers for which they were intended.

About the time of Sir

The Lordship's death on December, 1703, there was in the hands of his Executors and

Instructions - - -	£.	s.	d.
	125,200	9	6

There remained

In Dec. 1703 - - -	68,715	4	4
In Dec. 1711 - - -	82,397	14	4
In Dec. 1712 - - -	22,212	9	9

The Balance in Mr.

Walpole's hands the 24th of July, 1711,

some little time after his leaving that employment, was - -	250,825	14	3
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Which had been ordered gradually, as by his

Account on Sept. 20, 1711, to - - -	19,852	4	10
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There remained Dec. 2,

1712 - - - - -	17,212	9	2
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"The Reason given for this practice was, That the Treasurers ought by their instructions to deliver money in their hands, when they are deposed, for satisfying debentures, &c. and for discharging the expense of paying their accounts. But we cannot find the last argument favoured by a reasonable interpretation of the instructions, nor is there any just pretence, why the whole balances in the hands of the preceding Treasurers, should not be immediately paid over to their successors. On this point, think it very good ground for doing it

to avoid the charge of keeping clocks, and other instruments, for displaced, or dwarfed persons, and that the money might be kept and grants carrying on the carriage service. As to the delaying the expense of their accounts, that is by no means a method proper to lessen the paying them; and that otherwise, it might otherwise, might be made several ways too prejudicial to the public, than by the charge of a great sum as usually have rested on their hands. For that we have the opinion of the Commissioners of the Navy, who, as they are the sole assessors, so they are to compensate the sole judges of the Treasurer's accounts though they do not hardly pass them.

"We also find large payments entered in the great cash Treasurers since the Revolution, showed these payments entered the 25th of Oct. 1719, the sum of 800,000*l*. For which it is alleged, That the said merchants that have brought into the company's store, or are actually landed, or that the accounts, for most of them, are entered in the company's ledger, or in the journals, or that the prices are entered, and that wages due to them, which will not be allowed till it is entered by the clerk, or that when the Treasurer brings the accounts to account in his ledger, they are entered here in part, or the whole, and the particulars set against the bookkeeper.

"But these objections cannot, we presume, be admitted as sufficient. For the accounts ought to be brought in every year, where the distance of place will permit, and the company, which have been imported by the storekeepers and clerks residing in England, from this, should have been long since presented for. Whereas an affidavit was taken from which it appears that it is, and they are in too small a number to be taken, to the great damage of the public. Though they are to be set against in the Bookkeeper, when the accounts are drawn in the Treasurer, yet the Treasurer's accounts are so long generally in passing, that the prices are often dead, or undrawn, before that is done, and of those which have been set against, there do not appear any considerable sums to have been accounted for. There are some payments before 1702, which have neither been accounted for, nor set against, nor mentioned in the Treasurer's ledger, and which we have been very lately obliged to the Treasurer to mention; which have been so long unaccounted, that the interest would have equalled, if not exceeded the principal; to the great loss of the public, which paid interest for that money, as well as to the disadvantage of the service.

"We should now say before you the Management of the Commissioners for Victualling her Majesty's Navy, which, as it respects the different offices in Article of expense, is of great consequence. But some statements of enormous misbehaviour, and extravagance shown in her Majesty's Navy-board, and in the conduct for furnishing the Navy with bread, having been lately examined and corrected by par-

liament, the House wants the information of the trends continued in this office, than of others contained in the report of the revenue of the Kingdom. However, we have not neglected to enquire further into the proceedings of this commission, and find that the persons, in consultation with the agents and store-keepers, have carried on their fraudulent practices in all other species of provisions, as well as beer, to the detriment of the government, and to the injury and the ruin of our officers.

"James Bowen, partner of the Whitehead, is charged with a list of the full possession of several species of provisions for 1200*l*. from the 15th of Feb. 1708 to the 15th of April 1709. This appears from the quantity, that as a witness as more than 500 men were victualled at that time on his ship's deck. He says, that he then gave receipts for some provisions thus he received, if it be true, money for his supplies, that he was part of what was actually delivered to him, that it is a common practice among privateers that the agents and store-keepers, employed in the outports, are instrumental in carrying it on, and have a share in the profit. That he is charged both at Portsmouth and Plymouth with provisions, which he neither received as land, nor was paid for by the agents or store-keepers. This evidence is contradicted by the accounts of victualling that ship, wherein we find him charged at Plymouth with a considerable quantity of provisions on the 15th of April 1709, one day after the ship sailed from that port to Lisbon. We can't undertake to make any own comparison of the loss to the public on this head. But supposing a fifth only of the provisions to have been sold, (and Sir Isaac hath deposed, that he believed a much larger proportion of loss, and a fifth part of most of all other species have been sold or compounded for with the agents or store-keepers) it amounts in ten years to more than 200,000*l*. That, by a medium of the price paid for provisions during that time, the price cost hath been 24 per cent. exclusive of the charges of management, more than is allowed to privateers, when they are credulous on their salaries, which are paid by both in course with-out-quest. This practice is so strictly forbidden and provided against with so much caution, both in the instructions to the officers, employed in the Victualling, and on board the fleet, that it could not have continued without a collusion among them. And we apprehend no new method can be proposed to prevent such abuses for the future, unless it should be thought advisable to make it an offence for privateers to sell provisions, as to purchase any other of her Majesty's stores. These funds which have been so irregularly consumed by the persons and officers of the Victualling must have been detected, or in a great measure recovered if the persons concerned had been duly required, and well examined. Some again say that some can neglect, that, when we find want upon this or

quay, we found the accounts of 140 persons out of complement, unpaid—some of them more than ten years standing, and of those now employed, a great many have passed an account in six or seven years. On the whole, it is admitted, whether in any case it is reasonable to extract the same officers with the expending money, who is himself the proper clerk on the expense, or to allow him or appoint another to that purpose? Whether any person ought to have had the disposition of so large a sum, who was not constrained by the Commissioners of the Victualling, and who was under no anxiety for the faithful discharge of his trust, and the answering the same word to him? Whether this practice be not censured and reprobated by the Resolution of the House of Commons, the 27th of March 1698, That the Victualling any of her majesty's ships, by others than the Victuallers appointed for that service, or their agents, is contrary to the course of the Navy, and may be of ill consequence.

“ The letters discovered some irregularities in the Comptroler in Sir Rich. and Wounded Seaman. Mr. Pater, who made Treasures in the beginning of the war, and continued to act as such to the time of his death, in 1703, when he left his accounts in great confusion, and they have since been under the management of assistants, altogether unacquainted with the transactions of this office. In order therefore to obtain as much light as possible, we required a state of them, not only from his assistants, but from the Commissioners, and comparing both returns we had shown agree, as to his Receipts from Thomas Listeron, which amounted to £55,000*l.* to sd ¹. But they differ as to his payments and vouchers charge. These accounts have lay a great while before the auditor, but were not presented till very lately. Besides the money paid to Mr. Pater for the service of the war, he is charged by Mr T. Listeron with the sum of 21,701*l.* to sd ¹ imposed on him for payment of the Arrears, incurred on the loan of Rich. and Wounded in the last war. Whether such his assistants declare themselves unable to give any account. But from that, which has been long since exhibited to the auditors and which yet remains unproduced, we observe, that Mr. Pater, in receiving and applying this sum, acted under the authority and direction of several ministers of the Treasury, but made a payment nevertheless of 2,000*l.* to the commissioners, their officers, and himself for salaries, &c. contrary to those minutes. That he was to obey the orders of the late commissioners of Rich. and Wounded, one of whom was to attend him at every port to keep duplicates, to compound his payments, and as he vouchers his accounts, but it does not appear, that such duplicates were ever kept by the Commissioners, and his accounts stand singly upon the credit of Mr. Pater, without any check or exchange of the truth of it. Mr. Pater expended Mr. Pater, and his accounts have in part been

under our examination. This office hath been negligent in obliging persons to account duly for money imposed on them. Several sums we are yet accountable for, which were imposed in the time of Mr. Pater. Few of the agents abroad have cleared any imports, as was ordered on the 10th of September 1699, amounted to more than 24,000*l.*

“ When liberty the Agents may have taken in the application of the money they have been entrusted with, and what detriment the public has received, by suffering Accounts to remain so long unsettled; may in part be reflected from those instances. Mr. Griffith, who was employed by the Commissioners in the year 1708, as agent at Port-Mahon, entered into a contract in April 1711, for erecting an Hospital there, without any authority but that of Mr John Jennings, then commander of her majesty's fleet in the Mediterranean. Wherein, by his instructions, he was directed, if it should be thought necessary to build an Hospital, to meet upon a plan with an estimate of the Charge to the Commissioners, in order to be laid before the Lords of the Admiralty for their approbation. The expense of building the Hospital, as charged in Mr. Griffith's Account, and for which he claims an allowance, is 2,000*l.* It is alleged, in Mr John Jennings's order, that her majesty's former Hospital in this Port was unnecessarily situated. But we cannot take that to be a ground sufficient for his assuming power to engage the public credit; especially when a more regular method had been prescribed by the agent's instructions, and when a Treaty of Peace, was not actually commenced, in which it could not be known, that a renewal of that island would be made to the crown of Great-Britain. Several sums have been paid to one Stanley, a messenger belonging to the fleet, from the 1st of Oct 1702, to the 10th July 1712, amounting to 4,125*l.* The manner of which appearing very extraordinary and singular in many particulars, we examined him at each, and find, that he has paid 1,000*l.* to sd ¹ for the boats laid on the ministers of the Commissioners and other persons belonging to the office. That he charged the same by order of the Commissioners, on his accounts of the incidental expenses at the office, under articles of different circumstances, as postage of letters, conduct-money, &c. That is the account of his disbursements for the half year ending at Michaelmas 1712, (which was paid by the Commissioners) he had in the manner included 101*l.* though not then paid, for the term of that half year. The Commissioners ordered that to be true, and confessed to excuse it, by acknowledging, that they had presented a memorial to the late Treasurer to get an allowance for the sums on their salaries, and that he had promised to represent their request to the queen. But they did not protest, that they had obtained any warrant or authority for what they had done. Nor have we received satisfaction from them why Stanley was not ordered to account for any part of the sum of 4,125*l.* till July last.

and the Accounts were then passed in signature by a majority, and, no express reason being assigned, without vouchers, for he could not be required to produce a voucher for any payment; and Mr. Lawrence (one of the three Commissioners) is subscribed to the perfect bill, as not to clear these accounts, both deposited, but he was signed to several of these bills, without writing his own name, that he gave leave, in some cases, when he should be blamed, where he was put to payment for carrying on the business of the office, where more Commissioners' bills were necessary than were present, and it is contrary to the 13th Article of the regulations given to the Commissioners, whereby it is provided, that no payment shall be made without the authority of three Commissioners at least. The same Article directs them in making no bills, to number and sign them for payment, as vouchers, according to the number of the sum. But it appears that no such course has been observed, and that they have taken upon them a discretionary power. The ill use that has been made of this power, and the liberty that has been taken to give undue preference to payments, have so grievously appeared, that an officer ought to be intrusted with the exercise of it. The Charge which the government has been put to in transporting British prisoners, is another instance of mismanagement, and the whole was paid by virtue of the several contracts, or for extraordinary, such being a loss to the public. For this service might have been performed for the pay allowed to the contracting men by the French for transporting their prisoners. By an account of four voyages which Captain Robert Masters had before us, and attested, it appears, that for one voyage he received for 1,000 French prisoners, upwards of 100,000 livres, amounting, at 12d per livre, to 1,024 £. 5s. 6d. besides the pay for 2000 English prisoners brought back, and that this paid the said masters, who performed three but voyages, but 6000 £. is the Mr. Stiles, a merchant of Liverpool, offered in April 1710, to bring back the British prisoners for the whole voyage given by the French, without any other pay or discharge for extraordinary, the latter only excepted. But this proposal was rejected by the Commissioners, and Mr. Pearce was contracted. He is said employed with an allowance of 1000 £. per head notwithstanding frequent complaints have been made against him, and so fully proved to the Commissioners, that we had in the summer of their proceeding upon the 24th June 1709, a Resolution in their words, 'That it does appear there have been Negligences and Mismanagements in the service of transportation of prisoners.' After which Resolution, the Commissioners entered into a new agreement with Mr. Pearce, dated the 15th Decr. 1709, and allowed him for duty, 400 £. a day for 100 men, and 40, per cent. to commence his duty after the ship was ready to sail. Which is proved to have been an extravagant rate to a French-Porter since the French captain D'Armen and Mr. Pearce; for

the Southampton transport Lanthorn 100 men, whereby the Captain was to have but 90 £ a day for duty. One great cause of all this mismanagement in this part of the service, as also of the indulgence to Mr. Pearce, hath been an some mistake fairly explained to us, by the evidence of Mr. Stiles, and of Mr. Pearce himself, wherein they state, that a Mr. Churchill, who was a Commissioner, procured contracts on their names from the French, and by a secret agreement with them, was admitted into half the profit of such contracts. Mr. Churchill deposited, that, in making a contract with the Commissioners for 50 £. of Wounded Men, Mr. Churchill engaged one of the Commissions men (who had management of him) to the French did agree with the said Churchill to receive half the profit for him, or some unknown persons; and that he took no credit that was due for his service performed, pursuant to the said contract, and looks upon himself as not fairly treated therein, agreeing for half the profit. Mr. Pearce deposed, that, when he first entered into a contract (which is well examined with the Commissioners for Sick and Wounded Men), he agreed with his broker/master, Wm. Churchill, who was a Commissioner, to be a sharer in the profit and loss arising from the said contract, that he and Mr. Churchill borrowed 2,000 £. to carry on this service, for which they are jointly bound, that the Accounts did not yett making, but that he hath paid Mr. Churchill about 8000 £. as part of his share of the said contract.

Both these concerns have been perjudicial to the government. Mr. Churchill was dissatisfied, because the terms of his were declared not high to be continued, Mr. Pearce was considered as a person of trading, and looking a better bargain, but it is evident, by what hath been already said, that even this latter happens hath been of no advantage. For since it was made, the service hath been discontinued, and masters used to advance Mr. Pearce's profit beyond what was at first intended. On the 10th of October 1707, he made a groundless demand for leave; whereupon the Commissioners (Mr. Churchill being present) came to a resolution to increase his pay from 50 £. to be paid for English prisoners, which will never pass for an increase of trading and good conveyance to the office. But what seems to concern Mr. Churchill in these contracts, may be referred to this single question, Whether a person interested by his engagement in such contracts of the public, can be a private partner in such contracts, without a breach of his trust.

We have received a complaint from Captain Robert Masters, relating to Mr. Churchill's contract, which we cannot pass over in silence. The substance of it is, that, pursuant to two orders from the Commissioners, dated the 12th of August, and 14th of October 1704, he carried French prisoners from Southampton to St. Malo, and brought back 600 English prisoners, for whom, at the rate then allowed,

he ought to have received 3,000*l*. That he performed that service at his own expense, without being under agreement with any person; that, after performing it, he was refused payment by the Commissioners, being told at it that the money was owed to Mr. Churchill, one of the Commissioners; and afterwards, that it was paid to Mr. Mitchell. The Commissioners, in answer to this complaint, declared, that, notwithstanding the sailing orders were directed to captain Mordaunt, they were contracted with him for the performance of that service; that he had been recommended to them by Mr. Churchill, or Mr. Mitchell, and that there was no to be employed by one of them. Mr. Mitchell, continuing to the opinion of the Commissioners, avers that he employed captain Mordaunt, and received the money for the voyage performed by him. But what circumstance captain Mordaunt's presence in the case, is, that, at the time when he performed the service from Southampton to St. Malo, Mr. Mitchell was not under contract for that post, but only from Dover to Calais; that no agreement had been produced in proof here on agent to Mr. Churchill, or Mr. Mitchell, and therefore the money due to that account could not regularly be issued to either of them, unless some other circumstances have been entered into, which do not appear to your Commissioners.

There three items were shown up and stated, we received a letter on the 7th of March last, from Mr. Pearce, commanding us when his address; which is here inserted, that nothing in favour of the prices returned in the Deposition may seem to be concealed:

‘*Honourable Gentlemen,*

‘*When I attended you under subpoena, and shocked by my weakness, I knew not what I was, or what I understood to my expense; and, therefore, reflecting as well as I can, what I then said, beg leave to explain myself on some of the questions now proposed were pleased to ask me, viz. Whether any person was concerned with me in the service of transporting prisoners, and in what year I made my contract? to which I answered plainly, and desired to be understood, that, when I entered on the transport business, it was entirely my own right, and under no obligation of partnership; the French, making their good payment, enabled me to carry on the service without being obliged to any person for money; but, afterwards, they entirely put a stop to their payments, and I found the service wanted more money to carry it on, than I was able to raise, I having agreed for 1*l*. 6*s*. for which others had always 1*l*. I was forced to apply to my brother for assistance, who brought me 5*l*. 1*s*. and voluntarily procured to reimburse him by the profits of the said service, if any such should be; or otherwise, the said 5*l*. 1*s*. and assistance in that office, and I, having formerly made use of his name, when I was under him as deputy treasurer of the God-*

*sonne, and at that time being incapable of repaying him, designed to reimburse him in the said 5*l*. and the 200*l*. mentioned in my affidavit, though intended by me as part of such money as should come from the said service, I never acquainted him with, there being great sums due from France on that account, and the state of the profits and loss; and I am possibly he might tell the same. I never he perceived, and the debt owing as it is a head are paid off. I am, &c.*

James Pearce.

‘*We will now trouble the House with any reflections on the Letter, only that it is very extraordinary Mr. Pearce could not recollect his thoughts under a month's time, and that your Commissioners were so far from taking his evidence by surprise (as is suggested) that they cleared him, after he had freely and voluntarily given a, to settle and adjust the deposition to his own opinion, which he accordingly did, before he signed it.*

‘*Your Commissioners further represent, That the expiring in sale offices, relating to the management of the revenue of the kingdom, is a practice against law, and done to defiance of her majesty's repeated declarations. Two instances of which have been proved to us by the oath of the very persons concerned.*

‘*The first is this. Henry Mordaunt, esq. in 1700, treated with Mr. Byrd, then Auditor of the Imprests, for the purchase of his office, and agreed to give him 4,000*l*. for it. After the agreement, he applied to the lord Godolphin, then Lord Treasurer, for his approbation. His lordship proposed to make his Commissioner of Customs, or Cashier of the Exchequer, in consideration of the 4,000*l*. he was to pay to Mr. Byrd. But he absolutely refused the offer, and was with difficulty brought to accept the latter office, on no hard terms as he thought, because it was to be given during pleasure only. However, being persuaded by Mr. Wilkes below, whom he had consulted and employed in the matter, to rely on the lord Godolphin's honour, and promised, that he should not be displaced, he paid 4,000*l*. to Mr. Byrd. Whereupon Mr. Mordaunt, was made Auditor of the Imprests. Mr. Hall, Cashier of the Exchequer, released from that employment as 18*th* Commissioner of the Customs, and Mr. Mordaunt made Cashier of the Exchequer. By which it is evident, That the lord Godolphin was not only party to this bargain and sale, but negotiated it. However, your Commissioners attacked Mr. Mordaunt himself on oath, and he deposed that his lordship transacted the whole matter without his knowledge, but that he heard a sum of money was given to Mr. Byrd, on his resigning his office. As a further confirmation of this, when Mr. Mordaunt was deceased in 1710, then being Auditor of the Exchequer, he is now sworn to the lord Godolphin, told him he could not sit down with the loss of 4,000*l*. and moved on his lordship's promise of assistance from, let alone. His lordship, apprehending himself under an obligation to reimburse him,*

(as he was pleased to say for his own sake) money were raised, on making Colonel Sidney, Comptroller, and Mr. Passenier Customs of the Tower, to raise 4,000*l*. for Mr. Marston, by a new sale of those offices.

The second instance relates to Mr. George Gascoigne, who hath also declared on oath, That he bargained with the Lord Wharton for 1,000*l*. if he could make him Register of the Survey, that his lordship did knowingly assure that office for him from the Lord Godolphin, then Lord High Treasurer; That, in consideration thereof, and pursuant to his bargain, he paid his lordship 2,000*l*. on his admission into the place, which he now enjoys. We cannot discuss this Article, without observing in general, That the selling offices belonging to the revenue, is not only a violation of the law, and a contempt of her majesty's declaration in council, as hath been said, but it may be regarded with the greatest inconvenience, and every instance of it will certainly produce some prejudice to the public. For those who sell, will have more regard to the sums they are to receive, than to the qualification of the persons that buy. And those who buy, will prefer the ease of transferring themselves, to that of performing the duty of their offices. But whether either of these arguments have proved true, or the cause now mentioned, your Commissioners perceived not to affirm. The earl of Godolphin being dead, says Mr. Marston's own case before us, we would not appear too cautious in endeavouring to prove this, or any other instance of his mismanagement, a breach of the high trust reposed in him. Which, however, we cannot apprehend a reason sufficient for us to withhold facts from the House, otherwise depriving your consideration. We did not farther making any particular observations on Mr. Hinchman's case, or pressing to determine, whether it is so agreeable to it, that the Lord Wharton, when he received the said above-mentioned, was a proxy, canceller, and enjoyed other places of great trust under her majesty. But we must inform the House, that Mr. Marston did on the 12th of March last (near five months after the time his deposition was taken) trust to your Commissioners, and presented the following Narrative, which we lay before you being altered at his lordship's request, and that we do not repeat thought material.

I never had any acquaintance with, or personal knowledge of the Lord Wharton, or had ever spoken to him, till I was desired by a friend to apply to him by the means of Mr. Lady Lockhart, his lordship's sister, so soon as I made my proposition, and a promise to be present, if by her I could be concerned. I told Wharton my brother, and he took me to the Lord Treasurer to have leave for Mr. John Earl, my predecessor, to resign his office in Italy; and when I was by her lordship's room introduced to Lord Wharton, his lordship told me, that his lordship was very unwilling to comply with any thing of this kind, and that I must not expect that his lordship would

make any steps to it, unless he should be desired by the Lord Treasurer that I was very capable and fit for the said employment.—While this offer was then transacting, the said Mr. John Earl died, upon which I told her lordship, I could not would make her lordship a better present, if her lordship would permit that I might succeed the said Mr. John Earl; her lordship then gave me a letter of recommendation to Lord Wharton, who was then at New-Market, and when I came thence, and was introduced to the Lord Treasurer, his lordship was pleased to say, that for my own sake and my father's, and upon Lord Wharton's recommendation, his lordship was willing to prefer me to that employment. When I had thus showed him his lordship's promise, the said Wharton, being afterwards returned to town, told me, that, for some reason, he did not think proper to put the money into her lordship's hands, nor make the bills payable to her, and directed me to put the money into a goldsmith's hands, which I did, and made the money payable to myself, and employed them; and afterwards delivered them to a person her lordship (who was then gone into the country) by his letter appointed to receive them. And I always apprehended, from what my friend said, who introduced me to Lady Lockhart, and thence I had heard his lordship say, that the promise I made was designed for the benefit and advantage of the Lady Lockhart, and her family, to whom I first made (by my friend) the proposition and promise of it, and for whose sake his lordship undertook to do me that favour. These are, as far as I can recollect, all the circumstances of the manner of obtaining my office.

GEO. MARSTON.

Memorandum

That the above written paper was drawn up by the direction of Lord Wharton, and several passages which I had forgot, and his lordship put me in mind of, were added at his lordship's instance; particularly that relating to the Lady Lockhart, that the whole thousand pounds were paid to our Mr. Lee (by two 500*l*. notes) by his lordship's order; that before his lordship did obtain the said employment for me, I did acquaint his lordship I would give a thousand pounds for it March 16, 1712-13. *Geo. Marston.*

This Memorandum presents our Remedy, and though the observations account supplies some circumstances, yet we think the fact is so not essentially varied from the first state of it.

As the disposal of public Offices for money is not allowable, so neither can the compensation of any of them from the payment of fees required and specified by parliament, when of the least justification. However, a considerable instance thereof hath also occurred to us. Before the year 1700, the offices of the household within the palace of Whitehall and at Dover's were usually sold at 10,000*l*. for 4*l*. But in that year, the parliament, taking it into

consideration, that the tax was too low, and that those who ought to contribute their proportion towards carrying on the war, as well as the landed property of England, it was advanced to the sum of 50,754*l.* 6*s.* 2*d.*, which hath been continued every year since. Some time after, Mr. Hume, one of the commissioners for the exchequer, being desired to collect the money, brought from thence an account, which is otherwise, which he interpreted to be a note, whereby all persons having estates of 500*l.* per annum, or upwards, should be rated at 2*s.* per pound, of between 100*l.* and 400*l.* per annum at 1*s.* 6*d.* per pound, of 400 and upwards, and under, at 1*s.* 4*d.* per pound. Pursuant to which, a draught of an assessment, amounting only to 12,408*l.* 8*s.* was prepared and laid before the Lord Treasurer, from whence it was returned to the commissioners with a minute on the back of the assessment, signed by Mr. Taylor of the Treasury, by direction of his lordship, in these words, viz. the commissioners to proceed in making the assessment accordingly. An assessment was made conformable to this minute for the first year, and continued for the following years, 1704, 1705, 1706, 1707, 1708, 1709, 1710. But the commissioners were then dealt with proceeds in the year 1708, for not rating the whole sum of 50,754*l.* to 5*s.* charged for the year 1709, and 1708; and they applied to the late Lord Treasurer, who ordered a stay on it. On the 22th of March 1710, the writ was applied to the writ of 50,754*l.* 6*s.* 2*d.* and the commissioners were then a signed his lordship to satisfy it. Which, however, was never done during the management of the Treasury. But this matter has been since represented there with better success. For 1,000*l.* hath been actually paid to the receiver-general in money, and a taller made out on his for 1,000*l.* more, towards making good the deficiency, and we have ground to believe, that in a short time, more will be taken to discharge the rest.

"The latter to enable the commissioners to raise the full sum of 50,754*l.* 6*s.* 2*d.* for the years 1710, and 1711, the payment of several large pensions have been transferred from the post-office to Mr. Compton's, which being assessed at 4*s.* per pound, and the other pensions payable there, rated by the same rule as the rest of the queen's family are, the assessment now completely answers the tax.

"The shortness arising from this rate is stated and shown before your commissioners, viz. First, of all the deficiencies, which have happened in any of the revenues since the Revolution, this we believe is the only one, that hath been openly allowed under colour of any authority, but of parliament, and that hath received a sanction from the Treasury. That this order was an outrage upon the Common, privilege of issuing money, and must either be intended to defraud the public or to deceive the Commissioners. If it was to be taken as a uniform precedent to justify the assessment, then this assessment was to be defended by

suspending part of the tax. If it was not, then the Commissioners were deceived by being encouraged to make advances to a notorious subterfuge; whereby they subjected themselves to a prosecution, and their estates in arrest. That the Lord Treasurer was the last person, who in probability or justice ought to have warranted for such a deficiency, or to have assumed a power of compelling an act for levying money, since, by virtue of his office, he was to be entrusted with it, and it was all possible means, that every land should answer the rate, for which it was given by parliament. That the drawing a note of proceeds against the Commissioners for the arrears, due on the tax, as it was an impediment to public justice, and a violation of that order, is itself illegal, and of dangerous consequence, so it was a condemnation and an aggravation of the flagrant mismanagement. That the note, which hath been lately taken towards making good the past deficiency, and to answer the full tax for the future, is a plain condemnation of this order, and a proof, that if the same restrictions had been formerly used, there would have been no necessity for a pretence of complying with it. If the parliament had been assured, the same vigilance might, with equal reason, have been extended to any other part of Great-Britain.

"Your Commissioners, in examining the accounts for Compton's Family Wardship, observe, That more than two thirds of those persons, who receive constant pay on this establishment, were never paid by the trades they professed to, nor ever did any work in the office. That the master and his deputy, who are the only clerks in the revenue, did, in the name of their servants, furnish great quantities of goods at much higher prices than they might have been bought of tradesmen. That the money being received from the treasury by the master and his agents in gross sums, and not for any particular debt or service, there is always so much left for them, without complaint, to postpone others, and pervert themselves, to the great prejudice of the credit of the office. That 4, 5, and sometimes 6 per cent. is paid to the deputy by the tradesmen, who are admitted to deal with this office, on the receipt of their money. Which is one reason, amongst many, why the prices are 20 or 30, and sometimes 40 per cent. dearer than those tradesmen could have furnished their goods to other customers, as is acknowledged by several of them. These practices are encouraged by the method of passing the accounts of this office, which is very different from that of any other. For, if the master be a peer, his declaration on honour, if he be not a peer, his or his deputy's oath is, without producing any voucher or receipt, an authority to the auditor. But what reason are proper to be taken for the regularity thereof, is submitted by your Commissioners.

"We mentioned in our last Report, the long-queue occasioned by the tardiness of

goods taken for payment of her mother's debts. But trading is a growing evil, and such as, if not checked, may in time become a great diminution of the best branch of the revenue, as well as our duty again to represent a state of things. These remained on the 31st of Jan., 1842, besides those delivered over to the queen's exchequer.

By the hands of the	£	s	d
Receiver General,	100,291	18	3 ½
The Exchequer,	119,141	1	11 ½
<hr/>			
Total	219,432	19	5 ½

* This large Debt is supposed to be entirely due to the public. But whether it truly arises from particular individuals, or from a general neglect of prosecuting the law when they become due, is not easy to judge. The receiver-general hath deplored, that the Customs and Excise have not, more than 50, in 1839, received more duties over any bonds in the collection; which hath some appearance to reflect on the Commissioners' diligence, that they neglect him, and their collectors, to write questioning letters to the merchants, and to put bonds on them when they become due. They add, it is an arrangement, that regular payments might be of more service than service, and would rather have increased than lessened the debt. Besides this remission of prosecuting lawless bonds, these hath been a neglect in securing the whole money due on such as were paid. The principal was 28,000*l.* due on bonds in the receiver-general's hands, and the principal was of 191,000*l.* 4*s.* 4*d.* due on bonds under collector's hands, have been paid, but not with interest. Whereas the interest for the first was computed the 15th of September last, at 1,000*l.* 5*s.* 6*d.* And for the second, the 15th of December last at 5,500*l.* There hath been no notice called to your Commissioners, why it is considerable a sum but cannot should be returned by the public. For the receiver-general hath declared on oath, that the principal was not paid within the time limited by the act for entering the additional duty of postage and postage, for not upon any representation, made in answer to such a debt, by the Commissioners of the Customs to the Treasury, as the act directs. Her Majesty's revenues have been further prejudiced by suffering her customs to come at war, contrary to the intention, to make marches on goods on board in the plantations, and other remote places; for her Majesty's ships are being built in the worst shapes as no vessel ships are, they frequently land and operations as goods without paying any duty. This practice (which cannot be cured a law it is expensive but absolutely essential to a carrying on of all articles that otherwise is a disadvantage to the owner of merchant ships, a loss sometimes of their whole live equities, and often a loss of the rest of war destruction.

† Though the Land Revenue of the crown in England hath been extremely reduced by the sale of free-tenements and by many other

things Crown since the Revolution, yet it is still not considerable an article to be omitted by your Commissioners, and we take leave to remark, that we find in our comparison of the general income and state of the exchequer, that the sums there brought to account of this year are much smaller than could have arisen from other sources of the Revenue, if duties have been paid by those concerned with the management of it. For all the payments which have been made on the bond, for 12 years last past, at the whole amount is but 28,291*l.* the 10*th*. We are unable to offer our perfect state of the Revenue. The papers and bills relating heretofore, have been kept into little order by the auditors, and several instances of uncertainty charged (some with costs, which have been 5*l.* or unknown for many years, others with costs as have been added or granted except that such 12*l.* be referred on to be collected from the amounts as they are used. The methods for the regular and collection of the Revenue are plainly laid down, in several acts of parliament, and the neglect of these hath been the cause of the confusion we had in the accounts at those employed in it."

[The Substance of the Second Report.] * Your Commissioners humbly hope, by what is offered in the preceding Report, that they will appear to have taken some pains in examining the accounts of the Army, which they have applied themselves more immediately to, not only as they were obliged to use all possible endeavours to detect any irregularities or mismanagement therein, but in order to enable themselves to determine the debts due from this government on this head. As soon therefore as the accounts, appearing to your Commissioners for that purpose, we directed the paymaster-general to lay before us, State of the several regiments under their care, and in the first place, of those which were reduced or disbanded. We likewise required the colonels and agents to exhibit accounts of all sums of money received by them, for the use of their respective regiments. Mr. Lloyd, in answer to our process, brought in accounts of some regiments; but in the examination thereof, we found they had reference to other accounts, (not to those regiments were in Mr. Lloyd's pay) which are misplaced. Mr. Bridges exhibited also to us, some time since, the state of several regiments but alleged there were so many difficulties in their accounts, that he could not then settle the credit of any one. The colonels and agents have returned that, all the credits of their respective regiments are fixed and ascertained by the paymaster, they cannot pretend to offer any account. However, we have employed our time in hearing the Claims and Complaints of several persons relating to these accounts, which, as they have been very numerous, so they will facilitate our examinations, when the paymaster shall be prepared to lay their accounts before us, in each manner, as will be a proper consider

tion for us to determine upon. Mr. Brydges hath been frequently pressed to attend the orders of the regiments under his care, which are the most considerable part of the army. But, being unable to resolve the difficulties that complained of, he hath lately delivered us with a paper entitled, "Reasons why the accounts for the regiments under the care of payment, of the hon. James Brydges esq; a paymaster general of his majesty's forces, acting in conjunction with the allies, could not be cleared and created, pursuant to the proposals of the honorable the commissioners appointed by parliament for taking, assessing, and doing away the debts due to the army, &c. dated March 4, 1712-13." Now whether these Reasons are sufficient as a justification of the paymaster or otherwise, your Commissioners apprehend they are a sufficient proof, that it was not in their power to proceed farther than they have done. And that if they had proceeded to form any resolutions in that confused and uncertain state of the accounts of the army, they must necessarily have been guilty of the highest injustice, as well as a direct breach of the act which constituted their commission. For the House will be pleased to consider, they acted down by that act to determine only according to the establishments, (Signed) George Lockhart, Henry Barns, Robert Warrington, Thomas Ansell, Thomas Lowe, William Shapton, Henry Carter."

But to continue the Commissioners of the Public Accounts. Mr. Shapton having read these two Reports in his place, and presented the said Statements and Reports to the House, the House resolved to take the same into consideration the Saturday following, and ordered a bill to be brought in, "to revise and continue the Act, for taking, assessing, and doing away the Public Accounts of the kingdom, and also to continue the act for appointing commissioners to take, assess, and determine the debt due to the army, transport-service, and such and expended."

After the Address of thanks for the Peace, and a vote for a Supply, the Commons, in compliance to the court, proceeded to the registering of those that delighted in war. To this end, Mr. Shapton made a Report of encouragements from the Commons, to examine the debts due to the Army. They passed a slight censure on William Churchill, a member of their House, for being, when a commissioner for such, and wounded a passage in discourse relating to that office. They also made an attempt to draw a resolution at the end of Whitsun, for taking 1,000^l of our Blackmen for procuring him the office of register of venturers the customs, but it was dropped, because it was done before the last act of indemnity.

The Peace proclaimed. On the 20th of April the ratifications of the Treaty of Peace on Commerce were exchanged at Utrecht between the ministers of Great-Britain and France; and, being brought to London, by Mr.

Ayars, complain and secretary to the earl of Strafford, the queen on the 21st of May, the same day of the month on which the war had been proclaimed (about seven before, signed a Proclamation for publishing the Peace) which was performed the next day with the usual rejoicings. The ratifications of the Treaty between France and the States-General were also to have been exchanged on the 20th of April, but upon an unexpected difficulty about the stipend on Baniars' representation of the Spanish Netherlands (tyrified to him by Long Philip) which the Dutch ministers, alledged not to be in due form, that exchange was deferred till the 21st of May.

Dr. Sackville desired to preach before the Commons. May 1. The Commons ordered "That the Rev. Dr. Henry Sackville be desired to preach before the House, at St. Margaret's Westminster, the 27th instant (being the day on which the anticonsecration the Restoration of the royal family)" which thus commenced various speculations and reflections.

The Queen's Message to the Commons respecting the Proclaiming of Peace and Commerce. May 2. The Chancellor of the Exchequer presented the following Message from her majesty.

"ANNA R.

"As it is the undoubted prerogative of the crown to make Peace and War, I have ordered the Doctors of Peace and Commerce with

"The sentence of the House of Lords, by which Dr. Sackville was desired to preach during the space of three years, expiring on the 21st of March, that day was celebrated in London, and in several parts of the kingdom, with extraordinary rejoicings. The Sunday following in the afternoon the doctor preached the first time at his church of St. Martin, where a great multitude thronged to hear or at least to see him, expressing their joy at his returning to the exercise of his function. His subject was the duty of praying for our enemies, from St. Luke 23. 34. "Father forgive them, for they know not what they do." In his sermon he united two homilies parallel between idolatry and those of Jesus Christ. Not long after, the House of Commons, to show their dislike of his former prosecution and removal, desired him to preach before them at St. Margaret's Westminster, on the 27th of May, being the restoration day; which he did, and had the thanks of the House for his sermon. Now was the coat backward in rewarding his late services for the recovery of St. Andrew's Holborn, becoming vacant, he was promoted to that rich benefice." Tristram.

"April 2. I went to Lord Treasurer's, at six; where I found Dr. Sackville, who told me that the backslider had given him 1600^l for his sermon preached the Sunday, and succeeded in price 20,000. I believe he will be outbidded by her, and will hardly sell above half." Swift's Journal.

France, which had been signed by my order, and have concluded a Treaty with Spain, which will be signed at Utrecht, as soon as the Spanish ministers are arrived there.—I determined, for the first, on this extraordinary occasion, to communicate these Treaties to my parliament, and have therefore now ordered them to be laid before you thus.”

[The Treaty of Utrecht laid before the Parliament.] Mr. Chancellor of the Exchequer presented to the House (pursuant to the old Privilege) several Treaties, with a List of them, viz. a Treaty of Peace and Friendship between Great-Britain and France; a Treaty of Commerce and Navigation between Great-Britain and France, in Art declaring the particulars referred by the 9th Article of the Treaty of Commerce and Navigation between Great-Britain and France, to the decision of Commissioners; an Act explaining the general Sense of the 9th Article of the Treaty of Commerce and Navigation between Great-Britain and France, relating to the four species excepted out of the Tariff of 1694; a Treaty of Peace and Friendship between Great-Britain and Spain, and translations of the several Treaties and Acts above mentioned.

[*Substance of the Treaties.*] By the Treaty of Peace, the French king was bound to give other harbours not mentioned in the Pretensions, but acknowledged the Queen's title and the Pretensions themselves, as it was settled by several acts of parliament.—Dunkirk was to be reserved until treated, within five months, after the ratification; but that was not to be begun, unless Equivalent for it was put into the hands of France, Newfoundland, Madras's Isle, and St. Christopher's were to be given to England; but Cape Breton was to be left to the French, with a liberty to dry their fish on Newfoundland: this was the most substantial of the articles of Peace.^a The Treaty of Commerce settled a free trade, according to the Tariff in the year 1696, excepting some commodities, that were subjected to a new Tariff in the year

1690, which was so high, that it amounted to a prohibition: all the productions of France were to export into England under no other duties, but those that were laid on the same productions from other countries; and, when this was settled, three commissioners were to be sent to London, to agree and adjust all matters relating to trade: The Treaty of Commerce with Spain was not yet finished. As for the allies, Portugal and Savoy were settled; the emperor was to have the duchy of Milan, the kingdom of Naples, and the Spanish Netherlands. Sicily was to be given to the duke of Savoy, with the title of king, and Sardinia, with the same title, was to be given to the elector of Bavaria, in lieu of his lands. The States were to deliver up Lisle, and the lands placed about it, and, besides the places of which they were already possessed, they were to have Mainz, Charleroy, Luxembourg, Ypres, and Breda; the king of Prussia was to have the Upper Guelder, in lieu of Orange, and the other estates, which the family had in Friesland County. The emperor was to have time to the 1st of June, to declare his accepting it.

[*Debate on the Commerce on the 14th and 15th Article of the Treaty of Commerce.*] The Treaty being read, a day was appointed to consider of the Treaty of Commerce, particularly the 14th and 15th Articles; by the which all the subjects of Great-Britain and France, were to enjoy, in all places and jurisdictions wherever, the same privileges, which any other nation, the most favoured, did then, or shall hereafter enjoy. By the other Article, a law was to be made within two months at Great-Britain, that no more duties be paid for goods brought from France than what are payable for the like goods imported from any other country in Europe. These were words very closely interpreted in England. During king Charles the first's reign, our trade with France was often and heavily complained of, as very prejudicial to the nation; there was a commission appointed in 1614, to adjust the conditions of our Commerce with that nation, and then it appeared, as a scheme that was prepared by very able merchants, that we lost every year a million of money by our trade thither. This was then so well received, that the scheme was entered into the Journals of both Houses of parliament, and was the basis of the Customs House: but the event at that time favoured the interests of France so much, particularly as their wine, that the trade went still on till the year 1618, when the parliament had, upon all French commodities, such a duty, as amounted to a prohibition, and was to last for 3 years, and to the end of the next session of parliament; at the end of the 3 years, Charles called us more parliament; and that act was repeated in James's parliament: but, during the whole last war, high duties were laid on all the productions and manufactures of France; which by this treaty were to be no higher charged, than the same productions from other countries. It was said that, if we had kept as often fast by

^a It was observed on these articles, as to Newfoundland, it was thought that the French, sailing at Cape Breton, instead of Placentia, would be of great advantage to them with relation to the fishery, which is the only thing that makes settlements on those parts of any use. The English have always pretended, that the first discovery of Newfoundland being made in Henry the 6th's time, the right to it was in the crown of England. The French had long given chase, in king Charles the 1st's time, to fish there, paying tribute, as an acknowledgement of that loss: it is true, they carried this much farther, during the civil wars, and this grew to a much greater height in the reign of king Charles the 2d. but, in king William's time, an act of parliament passed, settling the right of the crown to Newfoundland, laying upon the trade thence to all the subjects of Great-Britain, with a power and care and extension of all duties and impositions.” *Bayley.*

the French, as they had been by us, this would have been thought a very hard equity, and, if the articles of our commerce had been settled, before the date of General's accession, to stipulate his escape from the confederates, the French could not have pretended to drive us on such terms, as they had insisted on since that time, because we put ourselves into their power. We were engaged by our treaty with Portugal, that their wines should be charged a third part less than the French wines, but, if the discussion, according to the treaty of commerce, is to be made equal, then, considering the difference of freight, which is more than double from Portugal, the French wines would be much cheaper, and the nation generally liking them better, in this respect we should not only break our treaty with Portugal, but if we did not take off their duty, we must lose their trade, which was at present the most advantageous that we drove any where. For, besides a great part of our manufactures, we brought over yearly great returns on silk from thence; last, five and six hundred thousand pounds a year. We had brought the silk we manufacture here to a great perfection, that about 350,000 people were maintained by it. For carrying this on, we brought great quantities of silk from Italy and Turkey, by which people in those countries came to take off as great quantities of our manufactures: so that our demand for silk had opened great markets for our woolen goods abroad, which must be, if our manufactures of silk at home should be lost, which, if once we gave a little vent for silk stuffs from France among us, must soon be the case: were the champions of protection and of labour in France, would enable the French to undersell us, even at our own prices. Our linen and paper manufactures would likewise be ruined by a free importation of the same goods from France."

Notwithstanding all this, a motion was made on the day appointed, May 14, to bring in a Bill to make good the 13th and 14th Articles of the Treaty of Commerce with France. A debate arose, which lasted till ten in the evening.

Mr. Arthur Moore, one of the Commissioners of Trade, and whose skill and knowledge in commercial affairs, the British ministry had chiefly relied on in drawing up the Treaty in question, endeavoured to show the great advantages, that would accrue to the nation from a free trade with France, and Mr. James Bateman, or Thomas Hanson, or W. Wychman, Mr. Chancellor of the Exchequer, Mr. Ward, Mr. Shephard, and some others, spoke of the same side.

Mr. Nicholas Lechevalier ended second, on

1. I wish,

1st A distinguished lawyer and politician—By George I he was made first Solicitor and then Attorney General, and finally advanced to the privilege by the title of baron Lechevalier of Brethun. The title, upon his death, in 1717, remained vacant, because vacant." Noble's Constitution of George.

the contrary, to prove, that the trade with France would be very prejudicial to us, in woollen, silk, and paper manufactures, and to our commerce with Portugal; and he was supported, not only by general Boscawen, Mr. John Smith, Mr. Nathaniel Gould (an eminent merchant, formerly governor of the bank in England) or Peter King, or Joseph John, Mr. Worthy Montague, the lord Carteret, and some others of the Whigs; but also by Mr. George Newland and Mr. Robert Haydon, who had before gone with the court.

Mr. Moore, in order to make good his assertion, having enumerated the different sorts of manufactures of the growth and manufacture of Great Britain, which the French drew from hence before the two last wars, estimating, that in all probability they would do the same again for the future, if a free trade with them were set upon an equal foot.

Mr. Gould answered him, that he begged the very thing in question, and that, in his opinion, the opening a free trade with France, would rather be highly detrimental to the nation. To make this out, Mr. Gould said, "That were the Revolution, the state of commerce was exactly changed, and so France had set up, and very much encouraged woolen manufactures, and made silk without several goods, which they drew from hence; so England had learned to be without the product of France, by setting up silk manufactures and paper mills; encouraging the making of all manner of tape, &c. which saved and spent vast sums of money to the nation, and employed an infinite number of workmen, who could be reduced to beggary, if the importation of French goods of the same kind were allowed, because the French had their work done for less money, and consequently could sell their own much cheaper." He added, "that the most valuable branch of our trade is that to Portugal, the increase of which, if free commerce were made along to the great quantities of wines that were imported from thence, and contained in Great Britain, instead of French wines, by reason of the high duties laid on the latter. But, if those duties were removed in the Treaty of Commerce in question, reduced and made equal with those on Portugal wines, the importation and consumption of the latter would infinitely increase, and thereby our profitable commerce to Portugal be in danger of being lost." On the other hand,

Mr. William Pittenden took this occasion to reflect on the last remark, "saying, in his opinion, had let slip the opportunity of making a good Peace, when they had it in their power, but that a time might come, and, he hoped, was not far off, when the management of the money in their country should be somewhat altered upon. As to our Portugal trade, he said, that, that branch would it or have served us for the woolen manufactures and the rest of England, and consequently be obliged to take off great quantities from hence, so they did before the year 1703, even at a time when

the court of Portugal had laid high duties on English goods and merchandise.

General Blandford made likewise a long speech, wherein, among other things, he said, "That the chief aim of commerce was not a party business, neither did it concern the late or the present territory, but the whole British empire, and therefore, for his own part, he would freely speak his thoughts about it, with the utmost impartiality. That, the Peace being made, it was now perpendicular to any way being for or against it. But, that as no treaty could bind the Government of Great-Britain to make any act or deed against their own interest; the only point to be considered was, Whether a free trade with France would be advantageous or not? And that, in order to clear that important matter, it was necessary to consult the merchants and manufacturers who had presented several petitions and representations about it." This was likewise urged by

Mr. John Smith, who made a motion for adjourning the debate, and taking the papers before them into consideration. But the main question being put, was carried to the affirmative by a majority of 358 yeas against 120. Mr. Speaker having resumed the chair, Mr. Gilbert Dolben made his report from the Committee, and, after further debate, the *Wigs*, taking themselves overpowered by the *Dodo-Party*, most of them went out of the House; and as it was resolved by above 300 yeas against 28 or 33, "That a Bill be brought in, to make effectual the eighth and ninth Articles of the Treaty of commerce, and navigation between Great-Britain and France."

"* The Treaty of Peace and Commerce having been published in print, that of Commerce moved such a general clamour, as weakened the whole nation, which before seemed to have been sunk into a lethargy. Several petitions, and particularly Mr. Robert Wallpole's, general Sir Ralph, Mr. Theodore Tilton, &c. moved themselves, and published several weekly papers, which showed the advantages of the trade with Italy, Spain, and Portugal, to which nations we constantly exported more than we imported from them, as if through the balance money, whereas a trade with France would be destructive of our iron-manufactures, and of our commerce with our colonies. These things seem to have well understood, and, even while flaming addresses were coming to court from all parts of England, petitions were sent up from the towns and counties concerned in trade, setting forth the arguments which they apprehended from this Treaty of Commerce. The Treaty, however, was to be supported at any rate; the petition continued in making it, either could not, or would not sign the petitioners to it, and the nation was to be convinced, that through their great skill in trade, they had made an excellent Treaty of Commerce. To these anti-*Thames de Prie* was employed; though, in a weekly paper published at some years before, called the *Observer*, he

Proceedings on the Black Bill May 12. The Committee ordered several clauses to be printed in the *Black-bill*, and having resolved themselves into a committee of the whole house upon the said bill, made several amendments to it. In this committee, the

had very often condemned the French trade as detrimental to the kingdom. He understood, however, the same were, and published a paper about a week, by the title of "Illustration, or Commerce intrinsically being Considerations on the state of the British trade, particularly as it respects Holland, Germany, and the Dutch barrier, the trade to and from France; the trade to Portugal, Spain, and the West Indies, and the fisheries of Newfoundland and Nova-Scotia, with other matters and advantages, arising to Great-Britain by the Treaty of Peace and Commerce lately concluded at Utrecht." In this paper he endeavoured to prove, that the trade to France, though contrary to all experience, had always been beneficial to the Kingdom, and would be so again upon the fact of the treaty. And as he had the art of writing very pleasantly, and those who employed him, and furnished him with materials, had the command of all public papers in the *Commons*; he had it in his power to do a great deal of mischief, especially amongst such, as were addicted to trade, and at the same time very fond of French wine, which it was then a crime to be against. Several mercenary merchants, of long experience, and well skilled in trade, joined together to contradict the assertions of the writer: they knew he had many heads besides the advantages of public papers to help him; and therefore thought the publication of a joint weekly paper the most feasible way to confute him, and set our trade in a clear light, because they were sensible that it was impossible for any one man to be master of so much experience, as was required to furnish materials from so many different branches of our trade, as would be touched upon in this debate. The paper they published was, in opposition to *Thames de Prie's* title, called "The British Merchant, or Commerce preserved," and was published twice a week. The person, to whom the public was chiefly obliged for this paper, and who had the greatest hand in it, was Henry Martin, who was afterwards made inspector-general of the exports and imports. He was assisted by Mr. Charles Cooke, merchant, afterwards made Commissioner of Trade, Mr. Theodore Tilton, then James Milnes, Nicholas Tordoff, Joshua Gee, Christopher Hume, David Hume, merchants, and Charles Long, who afterwards collected and reprinted these papers. Lord Halifax and general Blandford, had likewise considerable share in the success of this paper, which had so great an effect, that the thoughts of the *Wigs* about commerce, which, at first, were represented as the result of darkness, and spirit of party, appeared to be the unvaried sense of all. *Donegal*

Scott members represented, That the tax of 6d. per bushel of malt would be an insupportable burden to their countrymen, by reason of the vast disproportion between the English and Scots malt, both in goodness and price, almost double the quantity of Scots malt, going to the making drink of equal strength with that made of English malt, and the bushel of malt which in London was sold for 3d. not bearing above the third part of that price in Scotland. Upon this and other considerations, the Committee were induced to reduce the Malt-Tax in Scotland to 3d. per bushel, but when the Amendment was the next day, together with the other Amendments, reported to the house, the members of the northern counties of England, and the principality of Wales, having for the same reasons alleged by the Scots, insisted on the like abatement of the duty on malt, it was ordered, that the Amendments, and the subsequent Amendments be recommitted.

May 20. The Committee in a great consultation, considered farther of the Malt-bill, made several Amendments to it; and, notwithstanding all the opposition the house and their friends could make, it was carried by one single vote only, That the tax on malt should be laid equally in all parts of Great-Britain. On the first these Amendments were reported to the house, and it was again proposed that the Scots Malt should pay but half the duty, but it was again carried by a majority of 189 votes against the that the Bill, with the Amendments, be engrossed.

May 21. The engrossed bill was read the 2d time, and passed by a majority of 189 against 28, to the great disappointment of the Scots.

The Scots Ministers held several private Meetings; The members of the Scots members in the House of Commons for using their countrymen's support of the Malt-Tax, having proved ineffectual, they had several private meetings with the Scots peers sitting in parliament; and, laying aside all previous distinctions, consulted together how to redress their Grievances. On the 23d of May they disposed four of their number, viz the duke of Argyll, the earl of Mar, Mr. Lockhart, and Mr. Cockburn, who, by their order, attended the queen, and by word of mouth, humbly remonstrated to her majesty, That their countrymen bore with great impatience the relation of some Articles of the Act in Union, and that the laying such an insupportable burden as the Malt-Tax upon them, was like to cause their discontent to such a height, as to prompt them to declare the Union dissolved.* To this unexpected verbal remonstrance, the queen answered, "This was an appropriate submission, and she wished they might not have reason to regret it; but, however, she would endeavour to make all things easy." The Scotch members being met again the next day, and their Deputies having made their report of her majesty's Answer, it was unanimously agreed, That, before they proceeded farther, they should lay their Grievances before the House of Lords,

Debate in the Lords on a Motion for dissolving the Union. Accordingly, on the 24th of May, after the Lords had adjourned the Debate about the 5th and 6th Articles of the Treaty of Commerce, the earl of Findlater made a motion in the House of Peers, That some day might be appointed to consider the State of the Nation, & therefore the Lords appointed the 1st of June, when all the lords, in town very numerous. Between one and two, the debate began, as usual by

The Earl of Findlater, who represented the Grievances of the Scottish nation, which he reduced to four heads, viz. 1. Their being deprived of a party council. 2. The loss of England, in cases of invasion, extended to Scotland. 3. The Scots peers being incapable of being made peers of Great-Britain, as it was adjudged and declared in the case of the late duke of Hamilton. And 4. The Scots being subjected to the Malt-tax, which would be the more insupportable to them now, as that they never bore it during the war, and had reason to reap and enjoy the benefits of Peace, &c. concluding, First, with the Union between the two nations had not those good effects as were expected and hoped from it, when it was made, he therefore moved, That leave might be given to bring in a Bill for dissolving the said Union, and securing the Protestant Succession in the house of Hanover, the queen's prerogative in both Kingdoms, and preserving an entire unity and good correspondence between the two Kingdoms.

This motion was seconded by the earl of Mar, and opposed by,

The Lord North and Grey, who in a long speech, endeavoured to show that the complaints of the Scots were groundless, and the dissolving of the Union impossible, and without some redress on the poverty of the Scottish nation.

The Lord Eglinton allowed the Scotch nation to be poor, and therefore unable to pay the Malt-tax.

The Lord North and Grey replied to him, saying, That it was nothing but what was agreed by the Treaty of the Union, the 11th article in which imported, that Scotland should not be charged with any Imposts on malt during the war only, * which now was at an end.

The Earl of Iolo confirmed there was such a clause; but that the same Article imported, That since it could not be supposed, that the parliament of Great-Britain would ever lay any sort of burden upon the united Kingdom, but what they should find it necessary, or that was, for the preservation and good of the whole, and with due regard to circumstances, and abilities of every part of the united Kingdom, therefore it was agreed, that there should be no farther exemption claimed on for any part of the united Kingdom, but that the consideration of any exemption beyond what was already

* See Appendix, p. 424. &c.

agreed on in this treaty, should be left to the determination of the parliament of Great-Britain. He urged, that when this treaty was made, the Scots concluded, the parliament of Great-Britain would never go about to lay any imposition that they had reason to believe was burdensome; and having on both their sides, not to pay the Scots tax, concluded, for the good of both kingdoms.

The Earl of Peterborough endeavored to show the expediency of dissolving the Union. He said, among other things, That he had heard the Union compared to a marriage: that, according to that notion, since it was made, it could not be broke, being made by the greatest power upon earth. That, though sometimes there happened a difference between man and wife, yet it did not presently break the marriage: no, in the like manner, though England, who in this national marriage, must be supposed to be the husband, might, in some instances, have been unkind to the lady, yet she ought not presently to use for a divorce, the divorce because she had very much needed her comfort by this match: adding, that the Union was a contract, than which nothing could be more binding.

The Earl of Argyll answered, That if the Union had the same nature as marriage, which was an ordinance of God, he should be for observing it as religiously as that, but that he thought there was a great difference.

The Earl of Privyborough replied, "He could not tell how it could be more solemn than it was, except they expected it should have come down from Heaven, like the Two Commandments. Acknowledging, in the conclusion, on the Scots, as a people that could never be satisfied; that they would have all the advantages of being united to England, but would pay nothing by their good will: and that they had more money from England than all their taxes amounted to in their own country."

The Duke of Argyll replied, in a warm speech; saying, among other things, "That he was much reflected on as if he was dissatisfied and had changed sides, but that he despised those persons, as much as he undervalued their judgments. That it was once he had a great hand in making the Union. That the chief reason that moved him to it was the securing the Protestant Succession; but that he was satisfied that might be done as well now, if the Union were dissolved. That he spoke as a lover of England, as well as of Scotland: that he believed in his conscience, it was as much for the interest of England as of Scotland to have it dissolved; and that he was not, he did not expect long to have either property left in Scotland, or thereby in England. He urged, that the tax upon Salt in Scotland was as oppressive (it was the same as in England) as taxing land by the acre, which would be very unjust, the land being worth 5 or 6^d per acre, but about London, and not so many shillings in some parts of the country." "Till this time the

note between the Scots and the English Salt; the latter being worth 8 or as the reader, the other not above 2s. so that if this tax were collected in Scotland, it must be done by a neglect of duty, &c."

Some other Scotch Peers said, "That the end of the Union with the advantage of unity and consistency between the two kingdoms, but it was no farther from being that effect, since they were now the same nation have on the two nations, were much greater now than before the Union. That it might easily be proved by many real events, that some persons agreed better when they were separate, than when together; and for that reason they believed, if the Union was dissolved again, the two nations would be like to be better friends."

The Lord Chief Justice Freeman made a vehement speech in and it, as a thing hardly to be done.

The Lord Treasurer (Deloré) said, "That the Earl of Strafford's motion was no less strange than unexpected; that the Union being made by two distinct parliaments, in both kingdoms, he did not see how it could be dissolved, nor the two nations were in different circumstances from what they were in when it was made; because the power that made it was as much in being; and nothing could make it void, but the power that created it: concluding, that if the Scots had any grievance to complain of there might be some other method thought to redress them, without proceeding to this extraordinary way of dissolving the Union, which had been made in so solemn a manner, and brought about with so much difficulty at last, after so many British attempts before."

The Earl of Nottingham represented the advantages of the Union, of the same with which it was made, had been steadily pursued. He added, "That though the pretences were now in other circumstances than when the Union was made, yet the same place that was in the two parliaments when they were separated and distinct, was joined in them, now they were consolidated, and therefore if they had power to make it, they certainly had to dissolve it; and that he knew not any thing but what the parliament could do, except destroying the present constitution, which he urged they had no power to do. That the reason was that had agreed the Union could not be broken till the trial was made: and since the Scots, who were the best judges of the affairs of their kingdom, found that it did not answer the ends proposed, he was for dissolving it."

The Earl of Sandwich said in the same purpose, "That though he had a hand in making the Union, yet it was not that good effect which was expected from it, he was likewise for dissolving it."

The Lord Viscount Townshend said, "He was of the same opinion; provided, nevertheless, some could be found to secure the Protestant Succession, and therefore desired to know what security the Scots would give for

that essential point, before they proceeded any farther."

To the same of the Scottish Lords replied, "That would appear when the bill was brought; that then it was a proper time to show what security they could give;" and therefore should discuss the question. *Arguing for and against.* Whether a bill should be brought or not?

The Earl of Nottingham desired that another day might be appointed to consider the danger of a matter of such consequence, that the Lords might be better apprised of it.

The Lord Maitland declared also for discussing the Union, provided it could be made appear that the Government could be secured; but yet desired that a further day might be appointed to consider of so important a matter.

Two Scotch Lords, the Earls of Ulster and Londonderry, who were before for putting the question, immediately declared themselves better satisfied by what Lord's remarks, and to move for putting it off to another time. There were several other speeches made both by English and Scotch Lords, particularly by the Lords of Fife, Winton, and Grey, &c. and it is observable, that in the end of the day, notwithstanding the danger that the Union would run from the Proceeds, that the Union was dissolved, the last Time-table was read, &c. &c. and it was told what England had to do, &c. &c. in an other instance, and that the English, Lords and Commons of England, still in one country, need fear no enemy in the world, but ought to stretch the Pretender, and all his abettors. The Duke of Argyle having moved to sustain the Pretender, said, "We know not what cause to call him by; for when being was so uncertain as his person;" but the Earl of Sandwich called him the Pretender, added by, the Pretender, who was still upon the whole matter the Lower-Lords were all agreed dissolving the Union, and said, that the very meaning each nation is all agreed, and might be of all consequences, and the other observed that such an effectual step might be put forth, rather more might offer of any such thing again. On the other hand, the Scotch Lords said, that if the Union were not dissolved, their country would be the most miserable under Heaven. The question being put on the Earl of Sandwich's motion, the same was carried on the Negative by four voices, there being 21 Lords present on each side, and 12 present for the Negative, and only 13 for the Affirmative. It is observable that the Lord Treasurer having, in the course of this debate advanced, "That though the Tax were laid it must be afterwards remitted by the crown, and not levied." The Earl of Sandwich said, "He wondered such expressions as tended to establish a despotic depending power, and arbitrary government, should come from that noble lord." To this the Treasurer answered, "That his family had never been in possessing and adhering arbitrary measures, as others had done," which the Earl of Sandwich taking to be a reflection

on his father, he not only vindicated him, but added, "That the noble Lord's family was hardly known in these days."

The *Milk-Bill* passed. June 5. The Lord read a second time the Milk-Bill, and the question being put, that the same be referred to a committee of the House, it was carried by 100 yeas against 65, that it, by 10 yeas and 60 yeas, against 60 yeas and 70 yeas. It was observed that two Scotch peers were absent without leaving their proxies, which if they had, the votes had been equal. Three days after, the Lord read a great committee considered of the said bill, and after a warm debate, that lasted till six o'clock in the evening, it was carried that the bill do pass, by a majority of 65 yeas against 26.

Protest the act. On which occasion was read the following Protest

"Dissentient"

"Because, we apprehend, that the charging Scotland with the Milk-Tax will be a violation of the 14th Article of the Union, by which it is expressly provided, that Scotland shall not be charged with any Milk-Tax, during this war. And it was not desired, for, indeed, it is undecidable, that Peace with Spain is not yet concluded, and in consequence of law and usage of parliament, the bill is to be enclosed in a great seal, &c. &c. and a charge upon the people from the said day of this enactment, at which time, even the Peace with France was not made public. Because a great part of the Milk-Tax was then saving and making up the deficiency of the Milk-Law in the year 1711, from which Scotland being entirely free, we consider it unjust, even though the Peace was concluded, to make that part of the said tax payable by our part of that Tax, which was expressly given (as appears by the preamble) for this present war—only, because it is by the above-said 14th Article expressly provided, that the consideration of all be laid on the consideration of Scotland, when any imposition or tax is laid on it, and we verily persuade that it is impossible for Scotland to bear so heavy a tax, by which it will be liable to pay vastly more when the Peace shall be concluded, than it did during the war. whereas England has no burden greatly diminished. (Signed) Somerset, North, Bute, Newcastle, Scarborough, Litchfield, Orlay, Sunderland, Fife, Fife, Duncry, Galloway, Kinross, Leith, Glasgow, Aberdeen, London, &c. &c. 17th, June."

Debate in the Commons on the Bill for making effectual the 14th and 26th Articles of the Treaty of Commerce. June 5. The Commons, in a grand committee, took the Bill.

"The matter of the greatest consequence in this session was, the Bill for making the Commerce with France, according to the 14th and 26th Articles of the Treaty, which had been ordered, by the Commons to be brought in.

into consideration, Mr Robert Dutton being in the chair; and heard Mr Cooke, a merchant, who, in behalf of the Levant Company, made a long speech: wherein, with great ability of reason and argument, he shewed how disadvantageous the opening a trade with France, would be to the British woollen and silk manufactures, and to all the branches of our trade. The Merchants being withdrawn, the Commons took their allegations into consideration.

General Stanhope, in consideration with Mr Cooke had pledged, quoted the promise of an act of parliament, made in the 25th year of Charles the Sixth's reign, that none should afterwards as it has been by long experience found, that the importing of French wine, leather, linen, silk, salt, and paper, and other commodities of the growth, product, or manufacture, of the territories and dominions of the

The French in the city of London, and those in all the other parts of England, were alarmed, with the great prejudice this would bring on the whole nation. The Turkey company, those that traded to Portugal and Italy, and all who were concerned in the woollen and silk manufactures, appeared before both Houses, and set both the great machine, that a Commerce with France, on the foot of the Treaty, would bring upon the nation; while none appeared on the other side, to answer their arguments, or to set forth the advantage of such a Commerce. It was manifest, that none of the trading bodies had been consulted in this; and the Commissioners for Trade and Plantations had made very material observations on the first project, which was sent to them for their opinion; and afterwards, when this present project was formed, it was also transmitted to that board by the queen's order, and they were required to make observations on it: but Arthur Hume, who had risen up from being a student without any education, to be a great dealer in trade, and was the person of that board, in whom the lord treasurer confided most, moved, that they might first read it every one a part, and then debate it; and he desired to have the first printed as he took it away, and never brought it back in done, but gave it to the lord Bolognoble, who carried it to Paris, and there it was settled. The bill was very loudly censured by those who argued for it; yet the majority went with the bill all the last day; and then the opposition to it was so strong, that the members seemed inclined to let it fall: but it was not then there, whether this was only a pretence, or whether the instances of the French ambassador, and the engagements that our ministers were under to that court, prevailed for carrying it on. It was brought to the last step; and there a great many of those, who had hitherto gone along with the court, broke from them in this matter, and declared themselves so effectually, that when it came to the last division, 165 were for the bill, and 146 were against it. By so small a majority, was a bill of such great importance lost. (Trindal.)

French king, has much exhausted the treasure of this nation, lessened the value of the native commodities and manufactures thereof, and caused great detriment to the kingdom in general: Do it therefore enacted, &c." Hereupon.

The Speaker, supposing that Mr Stanhope had made a mistake, said, "There was no such thing as now said." But

General Stanhope insisted, that the clerk should read the said act, and the question appearing to be a tie, he, and other members, conversed with some gentlemen on the Speaker's Manner. At last the division ended, and was put off to the next day; and it was resolved, that the Members, who had not yet been, should then be heard.

June 20. The Commons having involved themselves with a great committee upon the Bill, the Spanish, Dutch, and Portugal merchants, and the merchants of London, were admitted to be heard upon their several Petitions. Mr Torrance, who spoke in behalf of the Spanish trade, having misinterpreted on the 15th and 16th Articles of the Treaty of Commerce, and mentioned the 17th and 18th, as relating to the two former; those great members were offended at it, and, since he had done speaking, moved the committee, that a mark of their displeasure might be set on him. But general Stanhope, Mr Lockman, Mr Peter King, and Mr John South said, "That unless they gave the Merchant full liberty of speech, the House would never be able to form a right judgment on this important affair; and they hoped, that no man should be reprimanded, for standing up for the trade of Great Britain." This, together with a cold spirit that appeared in the House on behalf of the Merchants, by the great number of members, both Tory and Whig, who, all at once, stood up to defend Mr Torrance, made the committee drop that matter; and so Mr. Wynn spoke for the Indian merchants; Mr. M'Clure for the Portugal trade, and not, he said, for the London weavers. The Merchants being withdrawn, the Speaker renewed the thing; and it was resolved, That the great committee should, the next day, consider further of the Bill, and that the other Petitions be then heard. It was also ordered, that the petition on the Levant company, and all memorial, petitions, representations, schemes of trade, and papers relating thereto, that were voted before the Commissioners of Trade and Plantations, or before the Commissioners of the Customs, relating to the trade between England and France, be laid before the House.

June 18. The great Committee heard several petitions, and read many petitions, and other papers. And two days after, a clause was ordered to be inserted in the bill, declaring, "That the privileges, liberties, and immunities, as to all duties, importations, or exports, relating to commerce, or to any other is, in a manner, that had been, or might be granted by Treaty, with respect to the subjects, goods, or merchandise of any foreign nation, should be con-

desired to extend as well to the four species of goods, excepted in the 3d Article from the Treaty of 1804, as to all other merchandise whatsoever, imported into France by the subjects of Great Britain.* Then the Commons, in a great conference, made a further progress on the bill, and went through it on the 14th of June. Three days after, Sir Robert Bouverie reported the proceedings made in the bill, which, with a few others, were agreed to by the House. That a motion being made, that the bill be agreed to, the matter occasioned a warm debate, from three o'clock in the afternoon, till near 11 at night. General Peel, Sir Peter King, Mr. Gould, Mr. Hume, and some others, showed the disadvantage of an open trade with France, upon the loss of the last Treaty of Commerce. And the member that spoke next in favour of the bill, was the man who had been chiefly employed in that matter, viz. Mr. Arthur Moore; but none of his arguments being attended, and previously, the majority even of his own party adhered to the opinion of

Mr. Thomas Munro, who made a long and diplomatic speech; wherein, among other things, he said, That before he had fully canvassed the other in question, he had given his vote for the bringing in the bill, but, that having afterwards carefully weighed and considered the allegations of the traders and manufacturers, as their united petition and representation he was convinced, that the passing of it, would be of great prejudice to the nation and still more injurious to the kingdom, consequently to request the revocation of the pass, and, in the end, adhere to the bill. That while he had the honour to sit in this House, he would rather be bludgeoned by any minority; and, on the other hand, was he terrified by what might weigh with some men, viz. the loss of losing their election. But that the principle upon which he acted, was his sense of his duty, and the comfort of his subjects, and upon these two considerations alone, he was against the bill.

This speech made a great impression on many of the members; and Mr. Addams, one of the lords concerned in the Treaty, and Mr. Francis Ascham, one of the commissioners of the Public Accounts, having again also against the bill; the question, whether it should be agreed to, was, in fact, carried in the negative, by a majority of 154 voices, against 215.^a

* * It was observed, that of the four members for the city of London, one only, viz. William Withers, voted for the bill; and that Sir Richard Blore, then Lord Mayor, Sir George Newland, and Sir John Cope, voted against it; as did also the two members for Westminster, Mr. Macleod, and Mr. Thomas Cross. On the other hand, a man grew out, that the Lord Treasurer, knowing the ill effects of passing such a bill at that juncture, wrote, the night before, a Letter to the Speaker of the House of

The Queen's Answer concerning the Treaty (but for Dunkirk) June 18. The Chancellor of the Exchequer presented the House, That their Address having been presented to the Queen for an Answer, as he had before the House, a Lord Esquiquet was given to the same, Christian League for the Amendment of Treaty, and to cure the requirement, was not completed with, what was regulated relating to Dunkirk's Harbours; had been pleased to recommend him to acquiesce the House, "That, in pursuance of the Treaty, as well between her Majesty and the most Christian King, as between that King and the States General, the Expedition which was to be given for the demolition of Dunkirk, was already in the hands of his most Christian Majesty."

Address relating to the Treaty held by the Dutch Troops in Flanders] June 18. The Chancellor of the Exchequer presented the Commons, That pursuant to their Address for an Answer, what her Majesty had stipulated for the Treaty of Great Britain in Flanders, and how the same was to be executed, her Majesty had recommended the Report of her Councils, signed of 17th, about that matter, as he had before the House. And he presented the same accordingly; which being read, it was resolved to address her Majesty, "That she would be pleased to take care, that the Treaty in Flanders in her Majesty's possession, be not executed till those who are to have the sovereignty of the Spanish Netherlands, agree to such articles for regulating of trade, as may put the subjects of Great Britain upon an equal footing with those of any other Nation." To which Address the Queen made a very gracious Answer, agreeable to the desire of the House.

Address of Thanks for the Treaty of Peace and Commerce.] June 20. Sir Thomas Munro moved, "That an Address be presented to her Majesty, relating her Majesty the humble Thanks to the House, for the great care she has taken of the security and honour of her Kingdom in the Treaty of Peace, and also for which she has done in the Treaty of Commerce with France, by having so good a foundation for the increase of her people's trade, and happily to desire her Majesty, that she would be pleased to appoint Commissioners to treat

Commerce, desiring her to use her interest to make it drop; which step he might, probably, be induced to take, upon the opposition the bill was like to meet with in the House of Lords where, that very afternoon, the lords of Argyll and Abington, and some other peers, had declared against it. However, some insisted either the matter, as true design of such a letter because most of the court, and Scotch members, voted for the bill. He did as a bill; the London druggers, rowmen, and carriers, were employed in the rejecting of the bill; and, on Friday night, the 18th of June, expressed their satisfaction by bonfires and illuminations." &c.

and Commissioners on the part of France, for adjusting such matters as shall be necessary to be settled in the Treaty of Commerce between her majesty and France, that the foregoing be so explained and perfected, that no matter almost it could any be settled, for the making thereof her majesty's gracious intentions for the good and welfare of her people." The House being very thin, and many of the members who voted against the Bill absent, determined, and who did not expect such a matter, being absent, the question was carried in the affirmative by a majority of the votes against 12. After a Committee for drawing up the Address had been appointed, general applause broke a nation, and the question was put, "That it be an instruction to the said Commissioners, that they do represent in the said address, the sense of this House, That her majesty's Commissioners, who are to treat of the commerce between Great Britain and France, shall insist, that liberty be given to her majesty's subjects to trade to all the ports in the French king's dominions." But the previous question being put, That that question be now put, it passed in the negative.

The next day Mr Thomas Hume reported the Address of Thanks, which was agreed to as follows:

"Most gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, be Comenants of Great Britain in parliament assembled, having, at the opening, this morn'g, congratulated your majesty upon the conclusion of a Peace, that concludes the war under such obligations of duty, as super to our that relation to your majesty, were we have been acquainted with the conditions and terms of it, which in your great wisdom have been provided, and by your greatest confidence have been communicated to us, your majesty's ministers are here not only provided for the present, but the honour of your kingdom, and we should be ready in concern for both, if we should not see just reason for regret for the particular regards which your majesty in this, as well as in other instances, hath shewn to them.—The good foundation your majesty hath laid for the interest of your people is made, by what you have done in the Treaty of Negotiation and Commerce with France, gives us hopes of seeing it yet further improved to the advantage of your kingdom, and we make it our humble request to your majesty, that you will be pleased to appoint Commissioners to treat with those of France, for the adjusting such matters as are still necessary to be settled; and that you will give such orders for the perfecting the said Treaty, and explaining the several parts of it, that no entire silence of trade may be framed between Great Britain and France, which may fully answer, and make effectual your majesty's gracious intentions for the good and welfare of your people."

The Queen's Answer.} To which the queen gave this Answer:

"Gentlemen;

"I thank you most heartily for this Address, which so fully expresses your approbation of the Treaty of Peace and Commerce with France.—It was with an equal delicacy that as great advantages to trade were obtained for my subjects, and I wish mutually comply with each other, in mutually giving access one to secure the benefits I have stipulated for my people."

The Answer surprised many of the members, such especially who rarely went into the Address with no other intention, than to show their approbation of the Treaty of Peace, abstracted from the Treaty of Commerce. However, the Speaker having early the next day reported the said Answer to a very thin House, it was received, *non est.* "That the humble Thanks of the House be returned to her majesty, for her most gracious Answer to the Address of this House."

There was all that passed the morning with relation to Peace. It was once apprehended, that the members would have moved for an Act, or at least for an Address, approving the Peace, but no such motion was made."

"Burton says, that, if such a motion had been made, he would have spoken the following speech, being the only one he ever prepared for himself, which he has inserted in his History, in order to deliver down to posterity his thoughts of the great transaction.

"My Lords; this matter now before you, is it is of the greatest importance, so it may be seen in every different light; I will not trouble with the political view of it; I leave that to persons, who can judge and speak it as much better than I can; I will only offer to you what appears to me, when I consider it, with relation to the rules of morality and religion, in that I am sure I can make my proper sphere. Some things stick so with me, that I could have no quiet in my conscience, nor think I had answered the duty of my function, if I did not make use of the freedom of speech, that our constitution and the privileges of this House allow me; I am the more encouraged to do this, because the bringing these of our order into public debate, in which we have now such a share, was originally intended for this very end, that we should offer such considerations, remote from the rules of our holy religion, in all matters that may come before us. In the opening my sense of things, I may be forced to use some words, that may perhaps appear severe; I cannot help it, if the nature of them offers in such, that I cannot speak plainly of them, as a matter of course; I stand not to reflect on any person, and I am sure I have such a profound respect for the queen, that no part of what I may say, can be understood to reflect on her in any shape—her intentions are so good, as the declares them to be, all for the good and happiness of her people; but it is not to be supposed, that she can read living treaties, or many the articles of them, in

The Queen's Message concerning the Debts of the Civil List.] June 23. The Chancellor of the Exchequer presented the following Message from her Majesty:

"Her Majesty thinks it is incumbent her loyal House of Commons with the deliberations, which

are necessary, in any change hereafter made, connected with her, or misinterpreted in her, 'She can do no wrong,' and if any such thing has been done, we know on whom our consideration lays the blame.

"The treaties that were made some years ago with our allies are important; both the Grand Alliance, and some subsequent ones. We see many things in those, that are not provided for by this peace; it was in particular expected, that no peace should be created, much less concluded, without the consent of the allies. But before I make any observations on this, I must desire you will consider how sacred a thing the public faith, that is engaged in treaties and alliances, should be considered.

"I hope, I need not tell you, that more learned men have debated upon their fidelity, in a practical shewing of all their treaties, and with how much safety they founded the violation of them; if we consider that which revealed religion teaches us to know, that man was made after the image of God, the God of all truth, we know who is the father of lies; 'God hates the deceitful man, in whose mouth there is no faithfulness.' In that perfect subject of the Jews, when the Gibeahites laid, by a fraudulent pretence, down Jonathan and the lambskins was a league with them; it was secretly observed; and the violation of it, some ages after, was severely punished. And, when the host of the kings of Judah stood off the fighting, in which he had bound himself to the king of Babylon, the prophet threatened and with indignation, 'Shall he break the rods of God, and prosper?' The swearing deceitfully is one of the worst characters; and 'He who swears to his own hurt, and changes not, is among the best.' It is a maxim of the wisest of kings, that 'the throne is established in righteousness.' Treaties are of the nature of oaths; and, when an oath is added to confirm a treaty, it is never denied. The best account that I ever give of the danger of adding that sacred seal to treaties is this.

"The Popes had for some ages perceived themselves of a power, in which they had often recourse, of dissolving the fields of blood, and the obligations of oaths, the famous but fatal story of Ladislaus, king of Hungary; breaking his faith to Amurat the Turk by virtue of a papal dispensation, is well known. One of the last public acts of this sort, was when pope Clement the seventh absolved France the first from the treaty made and sworn to at Madrid while he was a prisoner there - the adverse revenge that Charles the fifth took of this, on the work of Henry, and in keeping that pope for some months a prisoner, has made popes more cautious since that time, that they were for-

in a particular manner the last under by the Debts contracted in her civil government, increased by several extraordinary expenses heavily incurred; so that her majesty thinks herself obliged in justice to every creditor, to order an Estimate to be laid before this House

except that they drew much benefit from the provision, on the papacy, from the acknowledgment that supposititious promises to be put in such heavy, forced pretences of papacy. But the late king told me, that he understood from the German protestant princes, that they believed the promises of papal princes had totally dissipated the doing side as effectually, though more secretly. He added, that they knew it was too common among papal princes, that their word and faith bound down as they were men, and members of society; but that their oaths, being acts of religion, were subject to the discretion of their confessors; and that these, apprehending this, did in all their treaties with the princes of that religion, depend upon their honour, but never added the confirmation of an oath, which had been the practice of former ages. The sentiments of I never thought they had gained an additional security, for observing the edict of Nantes, when the attempt to dissolve it was made a part of the conference only; but it is probable, that every thing understood and concluded.

"Grotius, Puffendorf, and others who have wrote of the law of nations, lay the down for a rule, that the nature of a treaty, and the law that flows out of it, is not altered by the having, or not having an oath; the oath serves only to brighten the obligation. They do also agree in this, that confederations do not bind states, to carry on a war to their utter ruin; but, that justice and equity are bound to use their utmost efforts in maintaining them; and it is agreed by all, who have treated of these matters, that the common enemy, by offering to any one confederate all his pretensions, cannot justify his departing from the confederacy; because it was entered into with that view, that all the pretensions, upon which the confederacy was made, should be created on, or departed from, by common consent.

"It is true, that in confederations, where allies are bound to the performance of several articles, as to their quotas or shares, if any one fails in the part he is bound to, the other confederates have a right to demand a reparation for his non-performance; but, even in that case, allies are to act as friends, by making allowances for what could not be helped, and not as enemies by taking advantage, in design to disengage them from their allies. It is certain, allies forfeit their right to the alliance, if they do not perform their part. but the failure must be evident, and an expectation must be first made - and if, upon satisfaction demanded, it is not given, then a pretension should be made, of such non-performance; and the rest of the confederates are at liberty, as to how they shall do his part: these were followed among the war-

of what was owing on the Credit List in the year 1770.—Her Majesty hath used unexampled parsimony to restore, if possible, this burden from herself; but the growing want, and increasing part of her revenue by parliament, has

gone and taken of nations; and, since nothing other than this has been done, I cannot see how it can be made out, that the tax of the excise-duty, and by consequence, that the public, hath not been too broken on one side.

"My lords, I cannot recollect the carrying in a treaty with the French, without the knowledge and concurrence of the other confederate powers and princes, and the concluding it without the consent of the emperor, the principal Catholics; not to mention the public officers, that has appeared in the nation, who seem to have been forced to consent, by dissensions, if not by threatnings, from those I say, I cannot recollect that, with the Articles of the United Alliance, and the other later treaties, that are in print: this seems to come within the charge of that people, against those "who deal treacherously with those who had not dealt treacherously with them," upon which the threatning that follows may be justly apprehended it will have a strange effect among all Christians, but more particularly among the reformed, when it is reported, that the plenipotentiary of the head of the reformed protestant unity to the other plenipotentiaries, that the queen told herself free from all crimes and sinners; if this be set for a precedent, here is a short way of dispensing with the public burth; and if this was spoken by one of our prelates, I am afraid it will have a heavy approach on our church; and, to speak freely, I am afraid it will draw much heavier consequences. My lords, there is a God in heaven, who will judge all the world, without respect of persons: nothing can prosper without his blessing. He can blast all the counsels of man, when he is pleased and chosen, how cunningly never they may be either continued or disguised: and I must think that a prince made in opposition to the express needs of so many nations, will prove a curse instead of a blessing to us. God is prevented by such proceedings, to give heavy judgments on us, for the violation of a faith as often given, which is so visibly broken; by this our nation is debauched, and our affairs disgraced: and I think to think, what the consequence of these things is like to prove. I would not have expressed myself in such a manner, if I had not thought, that I was bound to it by the duty that I owe to Almighty God, by my oath for the queen, and the church, and by my love to my country. Upon so great an occasion, I think my seat in the church, and in this house, lays me under the strictest obligations to discharge my conscience, and to speak plainly without fear or flattery. let the effect of it, as to myself, be what it will: I shall live the more quiet in my own mind, both living and dying, for having done that, which seemed to me as indispensable duty."

made that impracticable; therefore her Majesty hopes that the House of Commons, which on all occasions have shown themselves so well regulated in her, will not be unwilling to support her in such such manner of security on the Credit List, namely, as may enable her to discharge the debts, and to be the expenses, to be regularly paid without delay.

"*Kingston, June 17, 1712.*"

A Message for an Account of the Debt recorded. The Message having been read by the Speaker, Mr. Chancellor at the Exchequer presented to the House an Estimate of the Debts which were owing to the several branches of expense for her Majesty's Civil Government at or about Midsummer 1710, which being read, it was resolved to consider at the next Message the next day, in a continuance of the whole.

"I hope this House will not bring upon themselves, and the nation, the blame and guilt of appearing that, which seems to be much more justly considerable: the approach that may bring to it a treaty, and the judgments of God, does may follow on it, we now what a few only are concerned in. A national approbation is a thing of much esteem; the public branch of faith, is the attack that was made on the Babylonians 40 years ago, brought a great load of shame on those, who advised and directed it. but they were more modest than to ask a public approbation of so approbation a fact: as by a few; and the nation was not drawn in to a share in the guilt of that, which was then universally disowned, though it was passed over in silence: it seems enough, if not too much, to be silent on such an occasion. I can easily say complacence no farther."

"The House of Commons was, as to all other things, except the affairs of commerce, so entirely in the hands of the ministers, that they ventured on a new demand of a very extraordinary nature, which was made in an extraordinary manner. The civil list, which was estimated at 500,000*l.* a year, and was given for the ordinary support of the government, did not exceed it. And this was so evident, that, during the three first years of the queen's reign, 100,000*l.* was every year applied to the civil list, 400,000*l.* was laid out on building of Blenheim-house; and the maintaining the Palaces had cost the queen 100,000*l.* So there was apparently a large surplus, beyond what was necessary towards the support of the government. Yet these extraordinary expenses had put the ordinary payments into such an arrears, that, at Midsummer, 1710, the queen owed 510,000*l.* But, upon a new account, this was brought to be 80,000*l.* less; and, at that time, there was no arrears of 100,000*l.* due to the civil list: these two sums amounting to 410,000*l.* the debt that remained, was but 100,000*l.* Yet now, in the end of the season, when upon rejecting the bill of commerce, most of the ministers were gone into the country; so that there were not 100 left, a Message was sent, for the Trade."

House, and ordered that the said Message and Message be referred to the said Committee. An honourable member, Mr. J. Smith, formerly Speaker of the House, and one of the Tellers at the Exchequer, having raised some objections against that Estimate, saying, in vindication of the late accounts, that, to his certain knowledge, the Debt of the Civil List at August, 1710, did not amount to above 150,000*l.* for the payment of part of which was there were some money standing out, besides great quantities of tin, whereas, by the Estimate now laid before the Commons, the said Debt, in Midsummer 1710, that is, about two months before, were made to amount to 400,000*l.*, a sum which was thereupon made, and the question put, That an humble Address be presented to her majesty that she would please to direct an Account to be laid before the House of the Arrears of the Civil List Funds standing out at Midsummer, 1710. And also an Account of the Debt of the Civil List as they are at this time, and of the Arrears of the Civil List Funds to pay the same, but the same passed in the negative, to the great surprise of many.

Vote to empower the Queen to raise 500,000*l.* to pay the Civil List. The next day the Commons considered of the Message, and after some debate, came to the Resolution, "That her majesty be empowered by letters patent under the Great Seal to set apart and appropriate a sum not exceeding 25,000*l.* per ann. for any term not exceeding 31 years, to be made a fund or security to raise, by such means and methods, and in such manner and form as her majesty by such letters patent shall appoint, any sum not exceeding 500,000*l.* to discharge Arrears and Debts owing to her servants and others, payable out of the branches settled for discharging the expenses of her Civil Government, and that the said yearly sum be charged upon all the said branches, whether they be hereditary or temporary, and be secured and paid at the Exchequer, out of the moneys from time to time arising by those branches, with preference to all other payments to be heretofore charged thereupon at the said receipt." Which Resolution was the next day reported, and agreed to by the House; and a Bill was ordered to be brought in thereupon.

The Bill to raise 500,000*l.* for the Civil List, and 1,000,000*l.* by Rents and Rents, consolidated or raised. June 20. The Bill was read a second time, and committed to the Committee of the whole House, to whom the Bill to raise 1,000,000*l.* for her majesty's Supply, by circulating a further sum in Exchequer Bills, was committed; and notwithstanding the opposition made by some members, it was ordered, That it be an instruction to the said Committee, that they do alter the said bill, and make them into one. After this, the motion was de-

ferred made and that made, being agreed upon with better success, it was resolved by all down her majesty, first, For an Account of the Debt on the Civil List in Midsummer 1710. And finally, For a yearly account of the said produce of the Civil List Funds, since her majesty's accession to the throne. This last day there was made upon a suggestion, that the Civil List Funds, which at first were given only for about 100,000*l.* per ann. yielded now about 350,000*l.* But whether there were any ground for that report or no, it is certain that no day ever was returned to that Address.

Motion to the Lords for removing the Pretender from Lorrain. June 18. The Duke of Bolton took notice in the House of Peers, both of the queen's Message to the Commons about the Debt of the Civil List, and of the Resolutions of the Commons thereupon, expressing, That they were somewhat extraordinary, the usual way being for the crown to ask subsidies of both Houses, otherwise the House of Lords would become altogether useless; but though the consideration of this matter was put off to the next day, yet the same was started upon account of a more important affair, viz. The usual Whigging then moved, "That an humble Address may be presented to the queen, that she would be pleased to interfere most pressing instances with the duke of Lorrain, and with all the princes and states in unity and correspondence with her majesty, that they would not receive, or suffer to continue within any of their dominions, the Pretender to the imperial crown of the Romans."

Several members appearing surprised at the unexpected notice, which was undoubtedly designed to try the inclinations and affections of some persons, there was a pause for a while. At last the lord North and Grey took notice, and endeavoured to have that motion laid aside

presently; and as the account of the queen's Debt was despatched, so it was known, that the final, set off for the Civil List, would increase considerably in terms of price. However, though there was a great superiority in point of argument against the bill, there was a considerable majority for it. And as people concluded, that the rise and off getting so much money into the hands of the crown, was to furnish their coffers sufficiently for carrying their elections. The Lords were sensible, that the method of procuring this supply was contrary to their privileges, since all public supplies were either asked from the throne, or by a message sent to both Houses at the same time. This practice was opposed only by the Lords; no peers came up to it, but some came up to hear it, that nothing could be made of the objection. But the members apprehending, that an objection would be made to the bill, if it came up alone, got it consolidated with another of 1,000,000*l.* that was brought them. And the words of these two joined together made them both pass in the House of Lords, without opposition. Which

"The bill met with great opposition, as it appeared to be of bad consequence, since the granting of such demands to one prince would be a precedent to grant the like to all future

"Lords, without opposition." Which

presenting, that such an Address would show great order of the House, or the ministers; and her majesty would be very much pleased what to do, to see the prince and the queen journey with her, should be unwilling to contribute her instances, since it would not be her power to compel them; concluding with the petition, *Where they would humbly beg the President would, what time, if not all the persons in Europe, were in unity with her majesty?* At length the end of Petitioners was said to be answered, That since he began his studies in Paris, the chief place for him to improve himself was Rome. After some other warm expressions between the earl of Wharton and the Lord Treasurer, it was unanimously resolved that such an Address should be presented to her majesty.

The Lords' Address eleven.] Accordingly, July 1, the House of Lords attended her majesty with the following Address:

"Most gracious Sovereign,
"We your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, do take leave humbly to shew to your majesty the thanks of this House, for the great care it appears to us your majesty has, at all times, taken to prevent the Pretender to your crown. From amongst us any of your majesty's domestics. And we do humbly beseech your majesty, that for the safety of your person and government, the security of the Protestant Succession in the House of Hanover, and for the peace and quiet of these your kingdoms, your majesty will be graciously pleased to use your most pressing instance with the duke of Lorraine, and with all princes and states in unity and correspondence with your majesty, that they will not receive, or suffer to continue within any of their dominions the Pretender to the imperial crown of Rome."

The Queen's Answer.] To which her majesty returned this Answer:

"My Lords; I take extreme kindly your Address, and the thanks you give me for what I have done for establishing the Protestant Succession.—I shall repeat my instances to have that person removed according as you desire in the Address. And I promise myself, you will concur with me, that if we could carry our desires up and down as home, it would be the most effectual method to secure the Protestant Succession."

A Second Address against the Pretender ordered by the Lords.] The Lord Chancellor (Holt) having the next day reported her majesty's Answer, the duke of Buckingham, Lord President, said, he never heard of any instances that had yet been made to the duke of Lorraine, for removing the Pretender out of his dominions. If either of the two principal ministers of state had been in the House, they might, so all probability, have better expressed her majesty's Answer; but they happened to be both at dinner with the duke d'Annoet, ambassador extraordinary from the most Chri-

tian majesty. Hereupon, the earl of Sandwich made a motion for a second Address; which was seconded by the earl of Nottingham, and notwithstanding some small opposition, it was ordered. "That on humble Address be presented to her majesty, to return the Thanks of this House to her majesty, for her most gracious Answer to their Address, and for the assistance her majesty has been pleased to give us, in repeating her instances for removing the Pretender; and to express our assurance, that such instances have not had their full effect, notwithstanding the French king and the king of Spain have shewed their complacency to her majesty's demands on that occasion; and to assure her majesty, that this House will stand by her and support her, in whatever her majesty shall judge proper for securing a descent, which is so recommended by the laws of nature, and so necessary for the honour and safety of her majesty, and for the present and future peace and quiet of the people." It was also ordered, that the said Address be presented to her majesty by the lords with the above motion; which was done accordingly. And on the 5th the Lord Treasurer acquainted the House, That the lords with whose states had presented to her majesty the Address of the House of Trinity last, and her majesty was pleased to receive the same very graciously.

The Commons' Address for removing the Pretender.] July 1. General Stanhope made a Motion for an Address for the House to set her most pressing instance with the duke of Lorraine to remove the Pretender out of Lorraine. Which was seconded by Mr. Lockhart. The only objection made against it, was stated by Mr. Wm. Windham, who said, "He remembered, that the late Address was formerly made to the Pretender, for having Charles Stuart removed out of France." Notwithstanding which, that motion was, some time after, returned to his father's charge, but notwithstanding those few members who might have any objection for the present royal state, being it is shew it on an equal a junction, when the parliament being so near expiring, a new election was coming on, Mr. Stanhope's motion was agreed to unanimously.

The Address, which was presented to her majesty on the 3d, was as follows:

"Most gracious Sovereign;
"We, your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, having nothing to justify at our hearts as the honour and safety of your most loved person, and government, and the security of the Protestant Succession, do give leave unto humbly to shew as high the great care which your majesty, is tender to your people, hath always taken to prevent the Pretender to your crown from being in a condition to disturb their repose; and particularly by the late Treaty of Guaranty with the Emperor-protector, and the Treaty of Peace between your majesty and the French king, wherein, amongst other just and necessary promises, for the security of the Protestant Succession, it is stipulated,

that the Pretender to your majesty's crown shall not be suffered to reside in any of the Kingdoms.—Your majesty wisely settled upon his removal from that neighbouring Kingdom; and your Loyal Commons are fully convinced of the necessity there is to remove him as far as possible, that they cannot but express to your majesty their apprehensions of the many dangers which may attend to your majesty, and to your Kingdom, from his residing in the territories of the duke of Lorraine.—We do, therefore, out of the highest duty and concern for the preservation of your royal person, and the quiet of your people, most humbly beseech your majesty, that you will be pleased to use the most speedy and proving measures with the duke of Lorraine, and with all other princes and states in unity or correspondence with your majesty, that they will not, under any pretext whatsoever, refuse, or suffer to continue, within any of their dominions, that person who, in defiance of your majesty's most undoubted title to the crown, and the settlement thereof on the illustrious house of Hanover, has assumed the title of King of the Romans. And we further beg leave to assure your majesty, that the Commons of Great Britain will, on all occasions, be the warmest of their grace to support your majesty in such steps as shall be necessary towards rendering those measures efficient, and your majesty safe and secure upon your throne.^a

[The Queen's answer.] Her majesty gave this answer.

"Gentlemen: I thank you heartily for your Address, and I will give directions according to your desire."

[Timing, being for the Peace.] The queen having appeared six days of July for a public Time-keeping, for the use and by several Peace bays concluded, and asked her parliament to attend her in St. Paul's, both Houses went with the usual water; but the queen not having arrived, reserved her strength until the last 6th of the month, she could not be present at that solemnity. The Wings were about for another cause. In the evening there were great bonfires, and illuminations throughout the cities of London and Westminster, and magnificent fireworks were played off on the Thames every night.

[The Queen's Speech at the Close of the Session.] July 18. The queen came to the House of Peers to pass the bills, and put an end to the session; when she made the following Speech to both Houses:

"My Lords and Gentlemen;

"I come now to put an end to this session with great satisfaction, and return you all my hearty thanks for the good service you have done to the public."

"Gentlemen of the House of Commons;

"I most particularly thank you for the Supplies you have now given. I will take care to apply them, as far as they will reach, to satisfy the services you have voted.—I hope, at the next meeting, the affair of commerce will be so

well advanced, that the advantages of navigation, I have obtained from France, will be made efficient for the benefit of our trade.—I cannot part with so good and so loyal a House of Commons, without expressing how much I am of the affection, and, and how much which you have bestowed yourselves; and I have a particular manner which is one of the most remarkable services you have performed.—At your first meeting you lent me, without further charge to my pocket, no less than of the heavy load of more than one million; and the way of doing it by being great advances to the nation.—In the session you have enabled me to be just in paying the debts to my servants.—And, as you furnished Supplies for carrying on the war, as you have strengthened my hands in obtaining a peace.—That you have showed yourself the true representatives of my loyal Commons by the just regard you have paid to the good of your country and my honour. These proceedings will, I doubt not, preserve the memory of this parliament to posterity.

"My Lords and Gentlemen;

"At my coming to the crown, I found a war prepared for me. God has blessed my arms with many victories, and at last has enabled me to make them useful by a safe and honorable Peace.—I heartily thank you for the assistance you have given me therein, and I promise myself, that, with your concurrence, it will be lasting.—To this end, I considered it to you all, to make my subjects truly sensible what they gain by the peace; and that you will endeavor to dispense those principles of justice which have been so industriously fostered amongst us, that our unhappy divisions may not weaken, and in some sort endanger, the advantages I have obtained for my kingdom.—There are some (very few I hope) who will ever be misled with any government; it is necessary therefore, that you show your love to your country, by exhorting yourselves, to obtain the wishes of the ill-treated, and to redress the distressed.—Nothing can establish Peace at home, nothing can remove the disorders that have happened during so long a war; but a steady adhering to the constitution in Church and State.—Such as are true to these principles are only to be relied on; and as they have the best title to my favour; so you may depend upon my having an interest in you, but your advantage, and the securing of our religion and liberty.—I hope, for the quiet of these regions, and the universal good, that I shall next winter meet my parliament; enabled to act upon the same principles, with the same confidence, and with such vigor, as may enable me to support the liberties of Europe abroad, and spread the spirit of liberty at home."^b

"Few Speeches from the throne have in my time been more universally collected on, than this was: it seemed strange that the Queen, who did not pretend to understand matters of trade, should give such a discourse on both

Then the Lord Chancellor, by her majesty's command, prorogued the parliament to the 23d of August.

Again, for their not understanding the affair of succession; since at the bar at both houses, the same debates were then upon it, the names of the names did appear as usually to be necessary in the History of Great Britain, that it might be a contempt put on them, to represent it as unnecessary to us, and to rank it down, who had appeared at, having the demanded, or at least having the debated. Nor did it escape notice, that she should affirm, that the nation was by them ruled of the land alone without, without any further change, since the nation must bear the constant charge of interest at an penny, till the capital should be paid off. The charges with which she acquitted herself was singular, and not very well suited to her dignity or her sex: nor was it well understood, what could be meant by her saying, that she found a war prepared for her, at her coming to the crown, when the house began it, upon the Address of both Houses. It was also observed, that there was not, in all her Speech, one word of the Pretender, or of the Protestant Succession; but that, which made the greatest impression on the whole nation, was, that this Speech denoted plainly, that the Court was resolved to have the Bill of Commerce pass in the next session. All people concluded, the ministers were under engagements to the Court of France to get it settled. And it was taken to be the sense of the queen's words concerning the making the Peace lasting; what effect this may have on the next elections, which are quickly to follow, must be left to time.

"I am now come to the end of the war, and of this parliament, both as queen, it was in they should have more proportion to one another; by, as this was the worst parliament I ever saw, so no assembly, but one composed as this was, could have sat quiet under such a Peace, but I am now arrived at my full period, and so shall close this work. I had a noble prospect before me, in a course of many years, of bringing it to a glorious conclusion; now the more is so fully altered, that I can scarce excuse myself from giving vent to a just indignation, in severe complaints; but in History must tell things truly as they are, and leave the denouncing to their authors, so I here conclude this History of above three and fifty years—I pray God it may be read with the same candour and sincerity, with which I have written it, and with such a degree of attention, as may help those who read it, to form just reflections, and sound principles of religion and virtue, of duty to our prince, and of love to our country, with a sacred and不可侵犯 zeal to preserve our religion, and to maintain our liberty and property." Burnett.

"Thus ended the third and last session of the third British parliament, which came here distinguished by the apostrophe of 'Peace.'

Principal Occurrences during the Peace. Review.—The Parliament dissolved—Progress of the Election.—The Parliament further prorogued—Jury of Oath.—The Court published by Mr. Justice—The Queen's Message—Her Letter to the Lord Mayor—Proclamations.—On the 23d of August the parliament was dissolved, and a new one was appointed to meet on the 23d of December.—The party leaders and managers, on both sides were extremely busy in preparing the minds of the people to favour their respective interests in the new Election. But notwithstanding the weight and influence of the crown, and the middle parties, of some returning officers, a far greater number of Whigs were chosen, than was by many expected.

"On the 23d of October," says Tindal, "the Parliament was, by proclamation, further prorogued, from the 23d of November to the 12th of December, which was accompanied by the queen's message, and the contents among the ministers. It was then strongly reported, that the lord Bishops, Mr. Secretary Stanhope, and Mr. William Wyndham (who, on the 1st of November, was made a peer, and styled) having gathered in a cabinet, the Lord Treasurer communicated thoughts of succession. And, indeed, the author of the paper, called the Examiner, thought fit, about the middle of November, to prepare the minds of the people for an approaching change in the ministry." But

and whose proceedings, as they are variously censured by the present age, so well they bear a various character with posterity. It may be observed, in general, that though the House of Commons was mostly made up of country gentlemen, who having borne a great part of the burden of the war, were easily prejudiced against those, who were supposed to have prolonged it for their private interest; and so, on many occasions voted blindly with their leaders; yet when the Trade, that is, the main source of the riches and strength of Great Britain, came to fall under their consideration, many worthy persons spread their eyes, shook off all mean dependencies, and truly advised to the interest of their country." Political State.

"In the Examiner of November the 16th, the author suggests, "That in a constitution, which hangs together by so many minute joints, and which depends upon such variety of checks and balances, where power and freedom are in a perpetual flux and reflux, we must of necessity be liable to turns and contingencies.—That this uncertainty is undoubted, wherever civil and concord are let loose to a nation, where there are rage and envy one another, and even the government itself is treated as a party.—Thus, under these circumstances, a ministry is obliged to act in another capacity than that which properly belongs to them. They must sometimes act like military as well as civil officers; draw back their forces, and appear at the head of armies, and fortifications, when they follow the field, and declare open

what appeared more surprising, was the behaviour of the queen's mother, who was the avowed enemy of the queen's independence, and of the succession in male to a throne.¹

"While things were in this dangerous situation, Mr. Steele published his 'Crusade, or a Christiana representing from the most illustrious to the meanest, the just Causes of the late happy Revolution, and the several Settlements of the crowns of England and Scotland on her majesty; and, on her death without issue, upon the most illustrious princess Sophia, electress and dutchess-essayer of Hanover, and the best of her body being Protestants; by persons of both parliaments of the late kingdoms of England and Scotland; and confirmed by the parliament of Great Britain, with some Remarks on the danger of a Popish Successor.' The draught of this piece was first suggested to Mr. Steele, by Mr. More, of the Inner-Temple: and the work, well pointed through the hints of Mr. Ashurst, Mr. Lockman, and Mr. Hoadley. And it was so well received by the public, that many were confirmed by it in their affection to the Protestant Succession.

"All this while the queen continued in a very dangerous state of health at Windsor; of

war against them. There were but very little of bringing things, as they now stand, to this deplorable case.—That the possession of power under these disabilities, is almost as great an uncertainty, as the tenure of war, and undisciplined to so many wars and civil operations.—And that these considerations amount to a full proof, that the best of patriots are more exposed to mortality, as consistent as usual, than as now, &c."

"The History of January the fifth, 1713-14, contains what follows: "According to the best opinion I can see by the Wages, and description the disease after the event happened upon the day the 24th of December, being Christmas-eve, at least at the clock in the morning in the year 1713. All signs, marks, signs, and orders of nature, at first having all the of signs, were affected with it's deepest sorrow, and general pain ran through the whole kingdom. For a long time, we were threatened and terrified; in the evening began and continued, upon the loss of our most excellent queen, who thus became immortal: but these black clouds were soon dispersed, our lives and kingdoms restored, and we moved from a deplorable state of grief and misery, to the first joyful tidings of the happy accession of her most sacred majesty queen Anna the second (whom God long preserve) to the throne of her ancestors: the words of our inauspicious king, such, that, immediately after the death of the queen in presence, the crown, by right of inheritance, descended to the next heir, without any previous protestation and condition, or adjunction or such as the best remedy, or interposition, &c."

which various accounts were spread abroad; but the truth was this, as represented by Dr. Stedwell, in his letters to the duke and duchess of Devonshire: "On Wednesday the 24th of December, her majesty was very unwell at night with the pox to her face. The next morning a cold nearly all, and she was in the way still. On Thursday the 25th, she lay in the company of a pain in her thigh, and was moved with a violent shivering, which lasted about two hours. Extreme heat followed, very various strong great restlessness, anxiety, and inquietude. The pulse was full, hard, and quick, which Dr. Stedwell feeling the next day, in very much pressed bleeding, saying, it would probably carry off a good part of the fever, and bring a fit of the pox; but it was not agreed to; and these symptoms continued all Sunday morning, when her majesty fell asleep, naked, undressed, and on Sunday morning there was a perfect remission of the symptoms; but the pulse, in Dr. Stedwell's opinion, was not quiet. The next night about twelve, she was attacked with an inflammation of the liver, which lasted all the Monday till midnight. Most of the queen's physicians judging her danger to be an ague, proposed and pursued the giving her the jaundic's bark, but, though this was warmly opposed by Dr. Stedwell, yet the physicians, who watched that night, gave it, saying, he found the pulse calm. The next morning appeared after this; but next-day Dr. Stedwell still declared, he did not like the pulse: that there was no perfect remission of the fever, but that the pulse was a work, to separate the jaundic matter into the pox, or some worse shape. The pain of the stomach increasing, till three or four doses of the bark were given, Dr. Stedwell had a squint upon having that part examined; but the other physicians called it a fit of the pox. Dr. Stedwell answered, it could not properly be called so in the morning; and being of opinion, that this was an inflammatory fever from the remission of the pox, and not a remittent ague, or intermittent fever; and finding, that after thirty days longer continuance, there was a perfect remission, but no remission, he made a proposition, that, unless the jaundic matter were separated, and thrown off upon a small fit of the pox, a worse symptom might happen; as it falling into the thigh, and being it to an erysipelas tumor. This opinion was justified by a severe fit of the pox, that came upon her majesty a few days after, and gave some hopes of her more recovery.

"While the queen was in this dangerous state of health, the minds of the several parties were mutually agitated. The friends of the Protestant believed, that all things were preparing for her restoration; and, on the other hand, the friends of the mail affected to the Hanover Succession was not a little interested upon the news, that a squadron of 14 men of war was lying out in the ports of France, and that they were to take on board 12 or 14,000 head-pieces. The public spirits felt gradually

from the beginning till the end of January, when such a pestilential wind on a sudden descended upon us, that there was a great run upon the bank for some days. The doctors and fear of their assemblies to the Lord Treasurer, to represent the danger, which threatened the public credit, and to desire his aid and assistance. The Treasurer received this application very liberally; and consented to deposit their fears, and promised to use his utmost endeavours to support the bank in this emergency. The doctors, who were still concerned about the queen's health, being one of the chief occasions of the public alarm, she, by the advice of her ministers, wrote the following Letter to her trusted Secretary, lord mayor of London.

"**ANNA, &c.**
 "Right trusty and well-beloved, we greet you well. Although an aguish indisposition, succeeded by a fit of the gout, has detained us at this place longer than we designed; yet since it has pleased Almighty God to reduce us to such a degree of health, that we hope to be able soon to return to our usual residence, we continue determined to open our parliament on Tuesday the 15th of this instant February, according to the notice given by proclamation. How much we have judged proper to communicate to you, and by you to the court of chancery, and to our loving subjects of our good city of London, is the more that you may all, in your several stations, contribute to discommodate and put a stop to those malicious rumours, spread by unwelcome persons, to the prejudice of trade, and to the imminent hazard of the public peace and tranquillity. And as we had no less well. Given at our house at Windsor, the 1st day of February, 1713, in the 12th year of our reign.—By her majesty's command,—*Guillelmus.*"

"The Letter, and the news, which at the same time came from Scotland, that the troops, which had been reported to be assembled in the Highlands, were more chimerical, and that the Pretender continued in Exeter, dissipated the fears of the government, and soon put a stop to them upon the bank."

"While the nation was in this distress, and under various apprehensions, there was published a remarkable pamphlet, intitled, 'The Art of Rhetorick; or the power and probability of general Ideas, in bringing about the last Reformation, critical from the most successful letters: with a just account of our Ropes, who raise the parallel as far as he can in a letter to a minister of state at the court of Vienna.' This piece was directed against the Treasury, and contributed the more to excite the alarm to the friends of the Pretender at Rotterdam, when it was known to be the performance of Mr Toland, a person formerly protected and employed by that minister. To remove these suspicions, the Treasurer thought fit to have the repeated notice of the late Treasury,

The queen, upon her recovery, being informed of the death of Dr. Sharp, archbishop of York, named sir William Down to that metropolitan see, which had been strongly solicited by bishop Atterbury. At the same time, Dr. Swafledge was made bishop of Bristol, and lord bishop to the queen, and Dr. Gualteri, preacher at Lincoln's Inn, lord of Chester, in the room of sir William Down.

The controversy concerning the demolition of Dunkirk, the continuance of the War against the Turks, who had rejected the terms proposed for them by the treaty between Great Britain and Spain, the surrender of Belvoir to the French, and the opening of a negotiation for a Peace between the emperor and France, at Rastadt; were the most remarkable occurrences abroad during the Reven.

FIRST SESSION OF THE FOURTH PARLIAMENT OF GREAT-BRITAIN.

[*Meeting of the New Parliament.*] Feb. 15, 1714. The day, the New-Parliament met at Westminster, and the Commons, at the desire of the Lords Commissioners appointed by her majesty, attending their lordships in the House of Lords, the Lord High Chancellor reported to them her majesty's pleasure, That they should forthwith proceed to the Choice of a speaker to be their Speaker, and present him the Thursday following.

Concerning hereditary right, brought to his trial; and Bedford being found guilty of pulling up that book, he was sentenced, to pay a fine of 1,000 marks, to be commuted to the Queen's-Such price, till he paid the same; he remained in custody there for the term of three years; to find four sufficient sureties, who, with him, were to be bound in a recognizance of 5,000*l.* for his good behaviour during life." He was also to be brought into all the courts of Westminster-hall, with a paper on his head denoting his offence. But, when sentence was given, an order was produced from the government, counter-signed by a secretary of state, directing the judges of the Queen's-bench to interpret the signification of the punishment, by reason of the satisfaction of the criminal; which proceeding, as Mr Lockhart observed in a speech, "would bear no other construction, this to silence and put down to men in holy orders, to propagate that destructive poison with impunity; and the clearance of the person, which ought to prove to him a aggravated sin guilt, and heightened in punishment, to leave his majesty against the reproach of it, even by the authority of the government itself, against which the law was levelled. This indignity appeared the most glaring, considering what was in view, at the same time, namely a weak throne person, who had courage enough to resist the interest of their country, and of the Protestant Successors."

List of the House of Peers.] The following is a List of the House of Peers as it stood at the opening of the New Parliament.

LIST OF THE PEERS

Note, Those marked thus * were under age.

PEERS, &c.

Samuel Hartwell, Lord Hartwell, Lord High Chamberlain of Great-Britain.
Robert Harley, Earl of Oxford and Mortimer, Lord High-Treasurer of Great-Britain.
John Mordaunt, Duke of Buckingham, and Northampton, Lord President of the Council.
William Lag, Earl of Dartmouth, Lord Privy Seal.
Thomas Howard, D. of Norfolk, Earl Marshal, and Hereditary Marshal of England.
John Pender, Lord Pender, Lord Steward of the Queen's Household.
Charles Talbot, D. of Shrewsbury, Lt. Chamberlain of the Queen's Household.
Charles Seymour, D. of Somerset.
Charles Fitz-Roy, D. of Cleveland and Southampton.
Charles Lennox, D. of Richmond.
Charles Fitz-Roy, D. of Capheaton.
James Butler, D. of Ormonde.
Henry Somerset, D. of Beaufort.
George Fitz-Roy, D. of Northumberland.
Charles Brudenell, D. of St Albans.
Charles Fowler, D. of Bolton.
Marquess of Schomberg, D. of Schomberg.
Pasquas Osborne, D. of Leeds.
* Woodstock Russell, D. of Bedford.
William Cavendish, D. of Devonshire.
John Churchill, D. of Marlborough.
John Manners, D. of Rutland.
John Mordaunt, D. of Hastings.
George Augustus, Prince Electoral of Hanover, D. of Cambridge.
* James Hamilton, D. of Hamilton and Brandon.
Charles Douglas, D. of Devon.
Henry de Grey, D. of Kent.

MARQUESS

Robert Boyle, Marquis of Lough, Lt. Great Chamberlain of England.
Edys Perceval, M. of Dorchester.

BARONS

James Stanley, Earl of Derby.
* Theophilus Hasting, E. of Huntingdon.
Thomas Herbert, E. of Pembroke and Montgomery.
Henry Clinton, E. of Lincoln.
Henry Howard, E. of Suffolk and Bedford, Deputy Earl Marshal of England.
Lord Cranfield Sackville, E. of Dorset and Middlesex.
James Ogle, E. of Salisbury.
John Ogle, E. of Loxley.
Scroop Egerton, E. of Bridgewater.
John Selkirk, E. of Rosslyn.
George Cockburn, E. of Northampton.
* Edward Henry Bath, E. of Warwick and Holland.
Reul Fielden, E. of Derby.

Frederic St. John, E. of Bolingbroke.
Thomas Fane, E. of Westmoreland.
Charles Montagu, E. of Manchester.
Henry Downe Howard, E. of Berkshire.
William Seymour, E. Devon.
Charles Mordaunt, E. of Peterborough.

Thomas Grey, E. of Stamford.
Philip Stanhope, E. of Chesterfield.
Thomas Talbot, E. of Ilchester.
Charles Spencer, E. of Sandford.
Nicholas Leake, E. of Scarsdale.
Edward Montagu, E. of Sandwich.
Edward Hyde, E. of Clarendon.
* William Capel, E. of Essex.
George Brudenell, E. of Cardigan.
Arthur Ansell, E. of Angelsey.
Charles Howard, E. of Castle.
Thomas Bruce, E. of Ardenbury.
* Richard Boyle, E. of Burlington.
* Anthony Ashley Cooper, E. of Shafisbury.
Edward Henry Lee, E. of Litchfield.
Thomas Leonard, E. of Sussex.
Charles Radcliffe Roberts, E. of Radnor.
William Parnes, E. of Yarmouth.
James Berkeley, E. of Berkeley.
Daniel Finch, E. of Nottingham.
Montagu's enables Hertie, E. of Abingdon.
Baptist Noel, E. of Gwentlopp.
Robert Dacre, E. of Holderness.
Other Windsor, E. of Plymouth.
James Hamilton, E. of Downpatrick.
Henry Sturtion Howard, E. of Bedford.
Henry Boscawen, E. of Portland.
Arthur Herbert, E. of Torrington.
Richard Lumley, E. of Scarborough.
George South, E. of Warrington.
Richard Newport, E. of Brecknock.
Frederick Salomon, E. of Radford.
Arnold Jean van Koppel, E. of Albemarle.
* Thomas Cavendish, E. of Conway.
Edward Russell, E. of Oxford.
William Wilkes, E. of Jersey.
Henry d'Arquespique, E. of Grantham.
John Campbell, E. of Greenwich (and D. of Angle).

Thomas Wharton, E. of Wharton.
Francis Godolphin, E. of Godolphin.
Hugh Cholmondeley, E. of Chislebury.
Thomas Wentworth, E. of Stafford.

VISCOUNTS

Price Dunsford, Viscount Hereford.
Henry Blount, Viscount Macclesfield.
Lawrence Parnes, Viscount Ray and Sale.
Thomas Belknap, Viscount Fitzwilliam.
Charles Townshend, Viscount Townshend.
Thomas Dysons, Viscount Weymouth.
William Bliton, Viscount Bliton.
* Talbot Talbot, Viscount Langensley.
* Richard Lowther, Viscount Lowther.
Henry St. John, Viscount Bolingbroke.

BARRONS

George Nevil, Lt. Abercromby.
* James Touchet, Lt. Ansty.
John West, Lt. De la Hay.

1714. It is demonstration that, with a most pre-
judicial bill, and no man can have a greater
claim to this House than he, by whose weight
and authority that pernicious bill was thrown
out. I rose up to do him honour" in some
manner, and distinguish myself, by saying, I
consider our Speaker, for that his reasonable
speech is necessary."

Mr Thomas Murray then stood up in his
place; and acknowledged the obliqueness he had
in those professions who had thought him worthy,
to be mentioned upon this occasion; but said,
if he was more than were many others present,
with whom he had had the honour to sit as
powerful performers, who could witness his long,
his engaged he was to such an undertaking.
That it was true, he had been a member of the
House long enough to have qualified himself
better for the service of it; but the experience
he had got served only to deter him, by making
him sensible of the great difficulties which at-
tended the chair, without giving him improve-
ments sufficient for it. That he had always
found the duty of a private member to be easy
and difficult enough; but the mistakes of a single
person could be of little consequence to the
public; whereas, in the service of the chair, it
was necessary to bring proportionable abilities,
as well as honest intentions; otherwise the House,
both of the peers and Commons, would
suffer by it. That it would be a great concern
to him to be the occasion of any impediment or
prejudice to the public affairs by those imper-
fections which it would not be in his power to
help; and therefore he desired the House
would think of calling some other gentleman to
the chair, of better abilities, to answer the ex-
pectations which they ought justly to have from
him whom they should appoint to serve them in
that station."

But the House unanimously called upon him,
To the Chair: Whereupon, Mr Arthur Kay and
the Lord Sandhurst, took him out of his place,
and led him up the House from the bar to the
Chair: Where, upon the steps, he said, It was
not yet too late for gentlemen to alter their re-

solution; and begged leave to repeat his just
remarks, and to assure them, that no one ever
came so near the chair who was so little quali-
fied to do the duty of it, and therefore he
hoped they would correct their own honour and
service, by turning their thoughts to a better
choice. But the House cried, No, no. Where-
upon he took the oath, and said, Through the
House would not allow of his excuse, he hoped
they would be pleased to permit him to com-
mence with his attempt, to convince them to
proceed to another election. The members
cried, No, no. And then the mace was laid
upon the table. After which

Mr Secretary Brinkley said, "He was grati-
fied the House and the public, for the good
choice they had made of one so brought with
less abilities, not only to fill, but to reform, the
chair. That he understood it was her majesty's
pleasure, the House should present their Speaker
on Thursday; and therefore moved to adjourn
till that day."

His Speaker's Speech on being presented, and
approved of, Feb. 12. The Lords Commis-
sioners being seated on a form placed between
the throne and the woolsack; the Lord Chan-
cellor commanded the Usher of the Black Rod
to go to the House of Commons, and desire their
attendance in the House of Peers. Who being
come;

The Speaker first spoke to the effect fol-
lowing:

"My Lords: The knights, citizens, and bur-
ghers, of Great Britain, assembled in parlia-
ment, by virtue of her majesty's writ, and
directed, by her royal command, to petition to
the choice of a Speaker, have cast their free
and unanimous vote upon one the most worthy
of their members; commanding me to present
myself to her majesty, as the person they have
before thought of calling to that service.—It
is an honour, and a duty, which no good sub-
ject ought to decline, who could hope so to
support himself in that station as to be extrane-
ous to the public service, and to the great
ends of her majesty's government. But the
trust is so important, and the task so difficult,
that none should presume to undertake it,
without solemn solemnities for the discharge
of it.—The more imperfections I am conscious
of in myself make me justly apprehend the
great prejudice which the business of parlia-
ment would receive from my weak perfor-
mances, in a station upon which the good dis-
patch of it does very much depend: and there-
fore, from the undoubted step of the House of
Commons (which I hope is the only one they
will be guilty of), I must make my humble ap-
peal to the throne, the last resort of justice;
where the errors of all inferior judgments are
reversed. And I desire, with all duty, to offer
my person to her majesty. That, for her own
service and satisfaction, for the better success of
those affairs and urgent affairs which have in-
duced her to call this parliament, and for the
honour of the House of Commons, if I will be
pleased to order them to be admitted: And that

* At these words, the light-headed part of
the House chuckled out, "The Teller! the
'Teller!' For Mr Steele's Account of the
manner in which this Speech was received, see
his "Apology" at p. 1875.

"Whatever recognition this speech met with
in the respectable assembly, it is certain that
a set of men, who for some years past, have
made it their business to turn the best men and
things into jest and ridicule, could scarcely be ex-
pected it, without foolishly caricaturing Mr Steele's
expression of "Rising up to do our Thomas
'Honour honour.' But, to all men of sense
and learning, they only exposed their own im-
perfections, both of the business of the English
tongue, and of true Latin; "To rise up to do
'our honour,' being an elegant allusion to
'discharge offices,' a common expression among
the old Romans, signifying the same thing Mr
Steele meant in English." Political State.

resolution, and to come again, prepared to present unto other persons so her majesty shall think worthy of their choice, and of her royal acceptance and approbation." Whereupon

The Lord Chancellor said

"*Mr Thomas Blount*, The queen could express no less than an infinite of Graciousness composed of so many dutiful and affectionate subjects, whose services in their country is an unquestionable pledge of their true concern for it, that the choice of a person for their Speaker equally qualified for that important trust, by a just regard for her prerogative, and an hearty zeal for the welfare of her people. His commands us, in, to tell you, that on both these accounts their choice of you to be their Speaker is acceptable to her; and, therefore, that she approves and confirms it."—After which

The Speaker replied.

"*My Lord*: Whatever other feelings belong to me, there shall be no defect in my obedience to her majesty, and since she is graciously pleased to think me worthy of these commands, it is my duty to endeavour to make myself as little unworthy of them as I can.—The necessity of my attendance, and my zeal for her majesty's and the public service, will be sure to guard me from all such access: And so I rely upon her majesty's great goodness for the pardoning my involuntary absence, so I will content myself yet farther with the hope, that the wants and imperfections of one of the meanest of her subjects can never be of moment enough to interrupt the equal prosperity of her reign, or do any considerable prejudice to the public affairs, while her great wisdom searches and watches over them.—Under these encouragements, I will with all diligence, and according to the best of my abilities, apply myself to the discharge of this great trust, and I shall without much happy, if, in so public a post, I may be able to give any more open and apparent proofs of that loyalty and fidelity to her majesty's person and government, and that does it due for the constitution and liberties of this kingdom, which as my private station, as a subject and an Englishman, I have always prepared myself to the rule of my actions.—In so sacred a discharge of my duty, and in the first act of that trust which I am commanded to undertake, I beg leave, by way of humble petition to her majesty, in the name of the Commons of Great Britain, to lay claim to all their ancient and now-accrued rights, privileges, and immunities: particularly, That, for their better attendance upon the public service, they, and their necessary servants, may be free in their persons and estates, from all taxes, rates, and duties to us. That they may be allowed freedom of speech in their debates: That, upon all emergencies of moment, and at times convenient to her majesty, she will be pleased to send both there abouts to her royal person. And that all their proceedings may be free from interruption, and receive the most favourable consideration." Then

The Lord Chancellor said;

"*Mr Speaker*, We are commanded by her majesty to assure you of her support in the discharge of your duty; and to let you know, That her majesty is graciously pleased to grant to the House of Commons all the privileges you ask in their name, as fully as they have been at any time granted by her majesty, or any of her royal predecessors."

After this, both Houses adjourned to the 12 of March.

Peace with Spain proclaimed] During the adjournment, were brought over from Holland the Ratifications exchanged of the Treaty of Commerce between Great-Britain and Spain; and the Peace was proclaimed on the 12th March. The chief Articles were, France and Spain were never to be united: the Protestant Succession acknowledged, and never to be opposed on any pretence, navigation and commerce, as in the Treaty of 1667, so hence to be given to the French or other nations in exclusive rights, or any merchandise, and the Spanish dominions in America, except what might be agreed by the Treaty of Commerce, and the privileges granted in the Armada de Negros; except also what should be granted by the Catholic Kings after the Armada de Negros should be determined: the American dominions were not to be alienated from the crown of Spain, to the French or other nation. Gibraltar and the island of Minorca were given up to stay to England, no Moors to come there, but on account of traffic: all the Spanish establishments to enjoy their custom and religion; or to sell their estates and retire: the South-Sea company to have the privilege, to clear or to collect, to transport negroes into several parts of America 80 years, beginning from 1713, in the same manner as enjoyed by the French; the Caribbees to have a full pardon, with the restoration of all their privileges, customs, and liberties, and likewise the same privileges with the whites of both Caribbees; Early was yielded to the duke of Savoy, but to return to Spain, as once of an host. By two separate Articles, the queen promised to present to the measures, by which she had taken care, that no other part of the Spanish monarchy should be torn from it: and obliged herself to procure the prince of Wales to be put into possession of Languedoc some other country in the Netherlands, which should produce 20,000 crowns a year, pursuant to a grant from Long Pich, September 29, 1711.

The Queen's Speech on opening the Session] The queen went in a chair to the House of Lords, and made the following Speech to both Houses.

"*50*; Lords and Gentlemen,

"I have much a reflection in being able, at the opening of the parliament, to tell you, that the Ratifications of the Treaty of Peace and of Commerce with Spain are exchanged, by which my subjects will have greater opportunities than ever to improve and extend their trade. Many advantages, formerly enjoyed by Holland, and produced by such a selfish

made a distinction between me British subjects and another, are now united by Treaty, and no equal rule established,—It has pleased God to bless my endeavours to obtain an honourable and advantageous Peace for my own people, and for the greatest part of my allies; so long, which I can do, shall be wanting to render it unequal; and I persuade myself, that, with your hearty concurrence, my interposition may at last prove effectual to compleat the settlement of Europe.

"In the mean while, I congratulate with my own subjects that they are delivered from continuing blood-war and secured in a Peace, the good effects whereof nothing but intestine disputes can obstruct.

"It was the glory of the wisest and greatest of my predecessors to build the balance of Europe, and to keep it equal, by raising in their night an empire as required. By this conduct they enriched the kingdoms, and rendered themselves dear to their enemies, and useful to their friends. I have proceeded on the same principle, and I doubt not but my successors will follow these examples.

"Our situation points out to us our true interest, for this country can flourish only by trade, and will be most formidable by the sight of shipping at our naval ports.

"Gentlemen of the House of Commons,

"I have ordered such Accounts to be prepared and laid before you, as will show you, at the conclusion of the War, the true state of your finances, whereby you will be better able to judge what aids are necessary, and I only ask of you supplies for the current service of the year, and for the discharge of such debts as you shall find, on examination, to be just and reasonable.

"My Lords and Gentlemen,

"The joy, which has been generally expressed on my recovery from my late indisposition, and on my coming to this city, I esteem as a means to that tender affection which I have always had for my people—I wish that effectual care had been taken, as I have often desired, to suppress those sedition Papers and seditious rumours, by which designing men have been able to work credit, and the innocent have suffered.—There are some, who are arrived to that height of malice, as to maintain that the Protestant Succession is the House of Hanover is in danger under my government.—Those who go about thus to disturb the minds of men with imaginary dangers, can only mean to disturb the present tranquility, and bring real mischiefs upon us.—After all I have done to secure our religion and your liberties, there is scarce any religion and your liberties, and to transmit both safe to posterity, I cannot mention these proceedings without some degree of sorrow; and I must hope you will all agree with me, that attempts to weaken my authority or to render the possession of the crown uneasy to me, can never be proper means to strengthen the Protestant Succession.—I have done, and shall continue to do my best for the good of all my subjects. Let it be your endeavour, as

it shall be mine, to unite our differences, not by relaxing from the strictest adherence to our constitution in Church and State, but by observing the laws yourselves, and enforcing a due obedience to them in others.—A long war has not only impoverished the publick Treasury, some particular men have been generous by it; but has also greatly affected government itself.—Let it be your care so to improve the present opportunity, as to lay the foundation of recovering from these disorders.—I had the concurrence of the last parliament in making the Peace.—Let it be the business of this to assure me it is showing such duty from us, as may not only secure blessings on the present age, but even down to the latest posterity."

The Lords' Address shewn The Lords agreed upon the following Address.

"Most Gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, beg leave to approach your royal person with the greatest respect, to return the humble thanks of this House to your majesty, for your most gracious Speech from the throne.—We sincerely embrace the opportunity of showing your majesty, that the joy our hearts are filled with, upon your recovery from your late indisposition, cannot sufficiently be expressed; and that our fervent prayers to Almighty God shall ever be waiting, that your majesty's reign may exceed in number of years, and in all manner of happiness, that of the longest and most prosperous of our royal predecessors, as that which will best conduce to the happiness and satisfaction of the most dutiful subjects in the form of queens.—It is with the greatest pleasure, and the warmest gratitude, that this House receives the communication your majesty is pleased to give them, that the resolutions of your Treasures of Peace and Commerce with Spain are exchanged; and that we are, by your majesty's great wisdom and goodness, at last delivered from that consuming land war, the barthens and all consequences whereof, we are sensible, nothing can remove or prevent, but a right improvement of the present opportunity; and it shall be our endeavour, as we are enabled to, will be your majesty's, to unite our differences, not by relaxing from the strictest adherence to our constitution in church and state, but by observing the laws ourselves, and, to the utmost of our power, enforcing a due obedience to them in others.—And we do assure your majesty, that this House will most heartily assist with your majesty in all proper methods to compleat the settlement of Europe; and we will use our utmost endeavours to discourage and discountenance all attempts to weaken your majesty's authority, or to render the possession of the crown uneasy to you.—We acknowledge, with hearts full of duty and thankfulness, that greatness which your majesty has taken, during the whole course of your reign, to support our religion and liberties, and to transmit both safe to posterity.—It is with the ut-

most detestation, that we reflect on the proceedings of those men, who, by spreading seditious papers and factious rumors, have been able to stir up civil war, and thereby to involve the nation in the ill consequences of their iniquity; and more particularly of those who have attended to that height of malice, as to imagine that the Protestant Succession in the house of Hanover is in danger under your government."

The Queen's Answer.] Her majesty gave this Answer:

"My lords; I return you my most hearty thanks, for your very affectionate Address—You, who are nearest to the throne, will first of all my subjects feel the real consequences of any disturbance of the royal dignity.—It is a great comfort to me, that I have your concurrence of support.—Depend upon it, I will never give way to the least attempt, either on the just authority of the crown, or on your rights and privileges."

The Commons' Address.] The Commons being returned to their House, Mr. Gower moved, That an humble Address be presented for remission, for her gracious Speech; which was resolved accordingly, without any opposition. Sir Peter King only suggested, "That they ought not to act, by a spirit of division, and return thanks for the treaty of commerce with Spain, before they knew, whether the same was advantageous or no." Which occasioned some confusion in the Address, which was as follows.

"Most gracious Sovereign;

"We your majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, do, with all humility, return our sincere and hearty thanks for your majesty's most gracious Speech from the throne.—We beg leave to assure your majesty, that as nothing could be more affecting to your people, than the subsistence of the late misadventures, so nothing has ever been an occasion of greater joy and satisfaction to them than your majesty's late happy recovery.—We congratulate your majesty on the conclusion of the Treaty of Peace and Commerce with Spain, whereby your majesty is pleased to declare, that you have procured new benefits to your subjects; But your royal care hath not been confined to your own people; it hath been extended to all your allies.—And your majesty's goodness need be for ever admired, That, notwithstanding any discouragements you may have met with, you are pleased still to continue your endeavours to make the Peace universal, and thereby to complete the settlement of Europe: And your humble Commons will never be wanting in an hearty concurrence to such your majesty in all such measures as your majesty shall judge proper to finish a design, so great and so glorious.—Your Commons will, with all cheerfulness, grant such supplies as are necessary for the current service, and for the discharge of such debts as are just and reasonable; They can

never sufficiently express the sense they have of these favours, in being delivered from the miseries of a continuing war. They will therefore, in duty to your majesty, and in justice to those they represent, do all that is in their power, that the good effects of Peace may not be obstructed by any violent divisions.

They will, as far as in them lies, suppress the designs of sedition and unreasonable men: They will, on all occasions, show their just abhorrence of the heinous practices, in publishing scandalous papers, and spreading seditious rumors. And, as your Commons will always support and maintain the Protestant Succession in the House of Hanover, they cannot but be sensible of the malicious insinuations of any, who would suggest that Succession to be in danger under your majesty's most merciful government. For when we consider, that it is secured by the greatest obligations, civil and sacred; by acts of parliament, oaths, and treaties; we cannot but declare our entire acquiescence in these securities; and must look upon such insinuations to be grounded on themselves, and reflecting on your majesty, and your government.—And your majesty may depend, that your loyal Commons will never be provoked on by any persons whatsoever to counteract attempts that may tend to weaken your majesty's authority, and to render the possession of the crown uneasy to you; which can only proceed from the rage of a disappointed faction, and the spirit of rebellion."

The Queen's Answer.] Her majesty gave this Answer.

"Gentlemen; This Address is so dutiful, and expresses so fully the sense of my loyal subjects, that I esteem it a proof of the good sense they have made of you to represent them—I give you my hearty thanks for it. The confidence you have in my affection, the assistance you desire of the malicious insinuations of the Protestant Succession being in danger under my government, and your acquiescence in the present situation in it, are very sensible returns for the tender regard I have always had for what concerns my people; and will most affectionately, by the blessing of God, unite the hearts of my subjects, and dissipate the designs of those who would disturb the present tranquillity."

Complaint in the House of Lords against a Libel written by Dr. Swift, called, "The

" "This Libel was written in the odious and sarcastic manner of "The Tale of a Tub." After some scurrilous reflections on Mr. Steele, and consequently on the earl of Nottingham, with some jabs on the implicit constancy of the subscribers to the Crisis—the Author attacks the Union, reflects on the whole Scotch nation, and, without reserve, mentions the debt of Argyle, who of late had broken all measures with the ministry. This piece was generally looked upon as very impudent and insolent; since the strongest Scotch poets, who are in the

John's Spirit of the Whigs." March 2. The act of Whittier made a Complaint in the House of Lords against a Scotchman's Libel, entitled, "The Public Spirit of the Whigs," set forth in that "generous encouragement of the Author of the Crisis, with some Observances on the Scotch Whigs, Candor, Equity and Sincerity of that Treaty." Printed by John Morphew, near Stutton's-hall, 1714. In which the Passages that gave most offence to the Lords, is as follows:

"This work, (meaning the Union of the two kingdoms) he tells us, was successfully accompanied by several of her majesty's predecessors; though I do not remember it was ever thought so by any, except King James 6, and the late King William. I have read, indeed, that some small overtures were made by the former of these princes towards a Union between the two kingdoms, but rejected with indignation and contempt by the English. And the Historian tells us, that how dangerous and consequently pernicious the court and parliament then were, they would not give ear to so odious a proposal. I do not find that any of the succeeding princes, before the Revolution, ever resumed the design; because it was a project for which there could not possibly be assigned the least reason or necessity: for I don't see mortal to some one single advantage that England could ever obtain from such an Union. But towards the end of the late king's reign, upon apprehensions of the want of wine from him, the process Anne, a proposition for uniting both kingdoms was begun, because Scotland had not added their crown upon the House of Hannover, but left themselves at large, as I hope it makes their advantage; and it was thought highly dangerous to leave that part of the island, inhabited by a stout, fierce, warlike people, at liberty to put themselves under a different King. However, the opposition to this work was so great, that it could not be resumed till some time after her present majesty came to the crown; when, by the weakness or corruption of a rotten minister, were done, an act of parliament was obtained for the Scots, which gave them leave to arm themselves, and so the Union became necessary; not for any actual good it could possibly do us, but to avoid a probable evil; and at the same time, were an enormous minister's head, who was so wise, as to take the best opportunity of procuring a general pardon for acts of parliament, because he could not wish so much dignity or safety drawn a particular one for himself. These facts are well enough known

to the whole kingdom; and I remember, descending eleven or twelve years ago with the most considerable person of the adverse party, and a great promoter of the Union, he frankly owned to me, that the necessity brought upon us by the wrong management of the east of Scotland, was the only cause of the Union.

"Therefore I am ready to grant two points to the Author of the Crisis: 1st, That the Union became necessary for the cause above related; because it prevented the island from being governed by two kings, which England would never have suffered; and it might probably have cost us a war of a year or two to subvert the Scots' idly. That it would be dangerous to break this Union, at least in this juncture, while there is a Pretender abroad, who might probably lay hold of such an opportunity. And this made me wonder a little at the spirit of faction last summer among some people, who having been the great promoters of the Union, and several of them the principal gainers by it, could yet proceed so far, as to propose in the House of Lords, that it should be dissolved; while at the same time, those persons who had ever opposed it at the beginning, were then for preserving it, upon the reason I have just assigned, and which the Author of the Crisis hath likewise taken notice of.

"But when he tells us, the Englishman ought, in generosity, to be more particularly careful in preserving the Union, he argues like himself. The late Kingdom of Scotland, (such he) had no numerous nobility as England, &c. They had, indeed, and so that was not one of the great and necessary ends of the Union upon the foot it now stands. That nobility is indeed so numerous, that the whole nobility of their country would be hardly able to maintain them according to the dignity of their titles; and what is infinitely worse, they are never likely to be content, till the last grand of all things, because the greatest part of them descended to their present. I suppose, a person of quality persuaded us to marry a woman much less inferior, and without a great loss to her fortune, and her friends arguing, she was as good as her husband, because she brought him as numerous a family of relations and servants, as she found in her house. Scotland in the next is obliged to contribute one penny for every forty pounds lent upon England, and the representatives they send to parliament are about a thousand; every fourth peer has all the privileges of an English one, except that of sitting in parliament, and even precedence before all of the same title that shall be created for the time to come. The persons and employment possessed by the natives of that country now serving us, do amount to more than the whole body of their nobility ever spent or hired; and all the money they save upon the public is hardly sufficient to defray their civil and military lives. I could point out some with great titles, who affect to appear very rigorous for dissolving the Union; though their whole con-

House of Lords, and who (at least thereby) were the principal support of those at the helm, were involved in the general reflection on the Scots union." *Trind.*

"On the first publication of this pamphlet, all the Scotch lords then in London were in a body, and complained to the queen of the offence put on them and their names by the Author of the *Trindler*." *Quincy*

ness, before that period, would have in command a Welch justice of the peace; and have since gathered more money than ever any Justice, who had not travelled, could form an idea of."

The Publisher and Mr. Barber entered into Controversy.] The Complaint being strongly imposed by the majority of the House of Peers, the Lord Treasurer promised to have nothing of that pamphlet; exchanged against the unknown (anonymous) contained in it; and readily joined with the House in its order for committing John Morphew, the Publisher, to the custody of the Black-Rod. Mr Morphew upon this Excommunication, having declared, that an unknown poster had brought to his House the copies of the pamphlet in question, from the House of John Barber, Printer of the Gazette, and of the Votes at the House of Commons; the said John Barber was also ordered into the custody of the Black-Rod; and both he and Morphew, were, on Friday, the 24th of March, severally examined at the bar of the Lords' House. Mr. Morphew made the former declaration, and owned the publishing and selling of that Libel, but Mr. Barber said, he knew nothing of it; and insisted not to answer any questions, the answer to which might tend to accuse himself, or to corroborate the accusation against him.

They being withdrawn, the earl of Wharfedale said, "They had nothing to do with the Publisher or Printer, but that it highly concerned the honour of that august assembly to find out the villain, who was the Author of the false and scandalous libel, in order to do the Scotch justice justice;" and thereupon moved, That in order to that discovery, Barber might be again examined the next day, together with his journey-men and servants: the same was readily agreed to, but on the 26th of March, the earl of Marr, one of the secretaries of State, acquainted the House, That he had already ordered John Barber to be prosecuted, which got a sudden stop to all further enquiries about that matter, in a parliamentary way."

* Lord Treasurer Oxford in a letter to Dr. Swift says, "I have heard that some honest men, who are very mistaken, are under trouble, teaching a printed pamphlet. A friend of mine, an obscure person, but charitable, puts the enclosed bill in your hands to answer such enquiries as their case may immediately require. And I find he will do more, the being only for the present." The Letter is thus endorsed by Swift: "Lord Treasurer Oxford's letter to me in a counterfeited hand with the bill when the prison was procured by the House of Lords for a pamphlet. Letter with bill of 1701. Received March 14, 1713-14."

* Barber the Printer was some time ago, in great distress, upon printing a pamphlet, of which evil tongues would needs call out the author; he was brought before your house, which addressed the queen in a body, who hardly published a proclamation with 32nd to deter-

The Lords Address to the Queen thereby. These days after, Barber and Morphew went upon their humble petition, enlarged from the custody of the Black-Rod, and the morning the Lords resolved upon an Address to the Queen about that matter; which was on the 14th presented as follows:

"Most gracious Sovereign;

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, parliament assembled, beg leave humbly to represent to your majesty, that we have begun our endeavours to suppress a seditious paper (which your majesty was pleased to take notice of in your most gracious Speech from the throne) by applying ourselves to discover the author, Printer, and Publisher of a pamphlet, entitled, 'The Public Spirit of the Whigs, or both in their generous encouragement of the author of the Cause, with some observations on the unaccountable, coward, credulous, and style of that writer. London, printed by John Morphew near Staunder's Hall, 1714.' Which we conceive to be a false, malicious and scandalous libel, highly dishonourable and scandalous to your subjects of Scotland, tending to the destruction of the constitution, and by making false and unjust reflections upon the Union, and the steps and measures to it; and appears to your majesty, who have been pleased often to declare from the throne, that the Union of the two kingdoms is the greater happiness of your reign, in making a full provision for the peace and quiet of your people, and the security of our religion, by so late an establishment of the Protestant Succession throughout Great-Britain: it appeared to us by the confidence of the said John Morphew at our bar, that he published, sold, and disposed that libel; and by the examination of several witnesses on oath, that the same was printed by John Barber, a Printer, who, at the time of the printing the said seditious libel, was, and yet is, charged with printing the Gazette; but the said John Barber, in his examination, refusing us to answer any questions, the answer to which might tend to accuse himself, or to corroborate the accusation against him, we have not as yet been able to discover the author of the said libel, or who brought the written copy thereof to be printed. And therefore, that nothing may be wanting on our parts towards the discovering and punishing as guilty a criminal, as we take the Author of the said libel to be, we do most humbly beseech your majesty, that your majesty will be graciously pleased to issue your royal proclamations, with a promise therein of such a reward as your majesty shall, in your royal wisdom, think fit, to any person who shall discover and make out good against the Author or Authors of the said

ver. The fault was calling you Scots "a few poor northern people." So well pleased are those who are capable for the government. Went to the earl of Peterborough, May 15, 1714.

and; as also your majesty's most gracious pleasure in such person or persons as shall make such discovery, of all crimes and misdemeanours committed in relation to the printing, publishing, and dispersing the said libel."

The Queen's Answer.] To this address the Queen returned this Answer:

"My Lords; I thank you for the care you show for suppressing all seditious libels. And have given orders for a Proclamation according to demand."

Proclamation to discover the author.] Accordingly, the same day, the Queen ordered a proclamation to be published, containing the apprehensions of the Lords' Address, and promising a reward of 300*l*. for discovering the Author of the Libel. Which was the Lord Treasurer was thereby directed to pay."

Resolutions respecting the Qualifications of Members.] March 8. The Commons in a general convention, considered the act of the 25th of her majesty's reign, intitled, "An Act for securing the Freedom of Parliament, by the better qualifying the Members to sit in the House of Commons;" and came to the following Resolutions: 1. "That notwithstanding the Oath taken by any candidate, on or after any election, his Qualification may be afterwards examined *etc.*" 2. That the persons whose qualification is expressly objected to in any petition, relating to his election, shall, within three days after the petition read, give to the clerk of the House of Commons, a paper signed by himself, containing a special or particular of the lands, tenements or hereditaments, whereby he claims out his qualification: of which any person concerned may have a copy. 3. That of such lands, tenements, or hereditaments, whereof the party hath been in possession for three years before the election, he shall also swear in the same paper, from what person, and by what conveyance, he so obtained, he claims and derives the same; and also the consideration, if any, paid, and the names and places of abode of the witnesses to such conveyance and payment. 4. That, if a voting member shall think fit to question the qualification of a petitioner, he shall, within three days after the petition read, leave notice thereof in writing with the clerk of the House of Commons; and the petitioner shall, in such case, within three days after such notice, leave with the said clerk of the House the like account in writing of his qualification, as is required from a voting member."

PROCEEDINGS IN THE HOUSE OF COMMONS AGAINST MR. RICHARD STEELE.

Complaint against Mr. Steele.] Notwithstanding all the care and industry used by the great managers in the late Election, many pro-

duced members of the present parliament were chosen. But, of these, none were so objectionable to the men in power as Mr. Steele, who in several public writings, had arraigned the late measures with great boldness, as one, who was encouraged, and sure to be supported, by the whole Whig party. It was therefore agreed by the members (how many secret they differed in other matters) to exert their endeavours to remove him from his seat in parliament. A Petition, which was lodged against his election, happening to be the 17th of that kind, and therefore not like to come on this session, it was resolved to take a shorter way, and attack him about some of his late published writings. Mr. Houghton, a noted lawyer, who had been expelled the House of Commons for libels in the reign of king William,^a moved, on the 11th of March, to take into consideration that part of the queen's Speech, which related to the suppressing Sedition, Treason; and complained, in particular, of several scandalous papers lately published under the name of Richard Steele, esq. a member of that house. He was seconded by Mr. Audley Foley, a near relation to the Lord Treasurer, who suggested, "That unless means were found to restrain the Scandalousness of the Press, and to deter those, who had the honour to be in the administration, from publishing and scandalous libels; they, who by their abilities are best qualified to serve their queen and country, would decline public offices and employments." This was supported by Mr. William Wootton, who added, "That some of Mr. Steele's writings contained insolent injurious reflections on the queen herself, and were dictated by the spirit of rebellion." The next day, Andrew Hader (the Lord Treasurer's brother) made a formal complaint to the House against certain paragraphs of the three posted pamphlets, which had given most offence to the court; "The *Englishman*, of January 29; the *Critic*; and the last *Englishman*," all said to be written by Richard Steele,

^a See Vol. 3, p. 321.

+ "Dear Free; I used this to let you know that Lord Halifax would not let me go to the House, but thought it would be better to have the first attack made in my absence. Mr. Foley was the gentleman who did me that honour; but they could not bring it to bear to force to obtain an order for my attending in any place, or any thing else to my disadvantage, than that all pamphlets are to come on Saturday. Lord Halifax, in the House of Lords, told the minority, that he believed, if they would recommend the Crown to her majesty's pardon, she would think quite otherwise of the book than they do. I don't care how long very unhappily and ungracefully against me; and don't care but God will turn their malice to the advantage of the innocent." Steele to his Wife, March 11, 1713-14. See his Epistolary Correspondence by Nichols, vol. 7, p. 276, London 1793.

ing; which pamphlets being brought up to the table, it was ordered, That Mr. Steele should attend in his place the next morning.

This brought a great number of members and spectators to the house; and, Mr. Steele attending, several paragraphs, contained in the pamphlets, were read; and, among others, one, which, Mr. Foley, Mr. Harley, and some other members, severely commented upon the manner and address of our countrymen in those writings. Mr. James Thompson, standing up to speak in Mr. Steele's behalf, he was prevented by a cry, and most of several voices calling to order, &c. saying, that, in reading in the order of the day, Mr. Steele was to be heard himself in his place. Upon this, Mr. Steele said, "that, being attacked on several heads, such as my private actions, he hoped the House would also have, on to-morrow, time to prepare for his defence." Another attack having interrupted against a long delay, and saved for discussing that till the Monday following, Mr. Steele, to relieve his two principal prosecutors, Foley and Harley, who were known to be rigid Presbyterians, though they were aided with the High Church, assumed those identified countenance, and said, "as the weakness and contrition of his heart, that he was a very great sinner; and hoped, the members, who spoke last, and who was unjustly accused for his unchristian party and divisions, would not be ungrateful to the penitencing the member of his transgressions, by obliging him to break the subjects of the Lord, by passing such profane writings, as might serve for his justification." This speech, spoken in a crying tone, having put the generosity of the assembly in good humour, Mr. Steele moved his point, and the further consideration of the charge against him was deferred for a week, by which time it was expected, that as Richard Graham, Mr. Thompson, Mr. Lockman, and some other leading members of the Wigg party, who were absent, would be come to town.

Mr. Steele's Motion when he is Dindark rejected.] March 12. This evening encouraged Mr. Steele, not only to stand upon the defence, but even to attack his accusers. As he believed a great part of the Wigg, he had brought upon himself, was using in what he wrote about Dindark, he thought it would make for his defence, to have what passed, relating to the collision of the churches, appear in the House before his due comes on. He therefore moved, on the very Monday proposed by Mr. Harley for he said, "That an Address be presented to the queen, to give directions, that the several representatives of her majesty and officers, who had the care and execution of the churches in Dindark, and all orders and instructions given to the region, be laid before the House." That the Motion was rejected by 814 yeas, against 200. That the Wigg party did not think it to oppose another Motion, which, with the same intent, was then made by the Lord Bishop, which was for the next day

Scarborough, who being seconded by the Lord of Hunsford, it was unanimously carried, "That an Address be presented to her majesty, that she would be pleased to order an Address to be laid before the House, what steps had been made for the removing the Portenider from the House, and to have some other arrangements, as to the Address of both Houses of the last parliament, and what answers had been given by the duke of Leinster."

Mr. Steele's Trial in the House of Commons. On the 16th, the day appointed for Mr. Steele's Trial, the members thought fit to get the House cleared from all wrangling which done, and Mr. Steele appearing in his place, Mr. Andrew Foley moved, that before they proceeded any further, Mr. Steele should declare, whether he acknowledged the writings that bore his name. Thereupon Mr. Steele moved, "he wrote and published the said pamphlets, and the several paragraphs there, which had been complained of, and read to the House, with the same diffidence and satisfaction, with which he had signed the Portenider." Then a debate arising upon the method of proceeding, Mr. Andrew Foley proposed, that Mr. Steele should withdraw; but, after several speeches, it was agreed, without dissent, that he should stay, in order to make his Defence. He desired that he might be allowed in answer to what might be urged against him, paragraph by paragraph. But though he was powerfully supported by Mr. Robert Walpole, several Bishops, the Lord Finch, who sat in the end on Northey Street, and the Lord Bishops, who sat in the end of St. Andrew's, yet Mr. Steele's answer was not, and it was carried, "That he should proceed to make his Defence, generally, upon the charge given against him." Mr. Steele proceeded accordingly, to make his Defence, being assisted by Mr. Joseph Addison, who sat near him, to prompt him, upon occasion. And, for near three hours, spoke in several books, extracted out of the three pamphlets above-mentioned, which had been given in print to all the members with much a trumpet, no doubt, unbecoming, very and really disagreeable, a great entire satisfaction to all, who were not violently prejudiced against him.

Mr. Robert Walpole's memorable Speech in Defence of Mr. Steele.] Mr. Steele being withdrawn, most members expected, that Mr. Andrew Foley would have moved up, and answered his Defence, paragraph by paragraph; but he contented himself with saying, in general, "That, without causing the House with long speeches, it was plain, that the Writings that had been complained of, were without any contradiction, answers to her majesty's government, the church, and the universities, and moved that the question should be put thereupon."

This occasioned a very warm debate, that lasted till 11 o'clock at night.

Mr. Robert Walpole*, who spoke first in favour of Mr. Steele, made a very long, and most eloquent Speech, wherein he went to the bottom of the affair, showed that the extraordinary and violent persecution, struck at the essence of the subject in general, and of the speakers of that House in particular, justified the House in all the issues of the controversy against him; and that, he hoped the House would not consider one of their members, in the situation and rage of the minority, in greater credit, than his exposing their various mismanagements; and, like a good patriot, warning his countrymen against the numerous dangers, with which the nation is girted, and, as a teacher, his majesty's sacred person were glorified, by the visible demonstration that was given to the Postmaster's friends. If a Papist, said Mr. Walpole, to that purpose, say,

* Mr. Carew's account of Walpole's conduct upon this occasion is as follows:

"Walpole was particularly active in defence of Steele. The issue of party was so violent on the occasion, that an attempt was made to compel Steele to withdraw, without entering on his own Defence; but this unjust proposition was over-ruled without a division. He then moved on his Defence, with a temper, modesty and elegance quite unusual to him, and continued speaking three hours. After he had withdrawn, no member on the side of the minority attempted to answer him; and another Papist only observed, that without entering the House with long speeches, it was plain to every body, that the Whigs complained of, were seditions and rebellious, and moved the question. The motion carried with a warm debate, in which it also de bore the great noise and personal abuse. In this Debate, Walpole asked the House, "Why the author was so obstinate in parliament for the things which he wrote in his private capacity? And if he is punishable by law, why is he not left to the law? By this mode of proceeding, parliament, which used to be the scourge only of evil ministers, is made to maintain the wrongs of the subject. The ministers, he added, are collectively armed with authority; they possess the great machine of trials and punishments, the disposal of the King's purse, the grace of pardoning, and the power of road money to the pilfer for order and safety; powers consistent with, and naturally arising from their exalted situation, and which they cannot see justly guard from being perverted to sinister interest or criminal purposes. In former times, the authority of Whigs extended itself only to judges and juries, the attempt to degrade parliament was, till the present period, unheard of. The liberty of the Press is unconstrained; how dare then a part of the legislature dare to punish him as a crime which is not declared to be so by any law, framed by the whole? And why should that House be made the instrument of such a detestable purpose; that House, which led to King the issue of the declaration of being

an Irish Papist, who, for many years, has been a servant to the late King James, and the Pretender, (meaning Mr. Patrick Leslie,) and who has borne arms against her majesty in France and Spain; one who is strongly suspected, of having confined his horse in the blood of the late Duke of Monmouth, and manager of Legation—All, and so, and so, and so, and so, is only permitted to come into England, but is expelled at once, in the present chamber. Is he to be censured by the minority? say I speak it with horror, if such a man be admitted to her majesty's presence and access to her closet, will not every good subject think her majesty's person in danger? And is it then a crime in Mr. Steele, to show his just concern, for so precious a life?—Is it that passage in Mr. Steele's Critic, wherein he says, "That a late Honourable Black, on the Sacrament of Reverendary

applied to, as the source of rebellion, is all counsel against him? Steele, he observed, has advanced nothing which bears a direct personal construction, nothing which can be construed into guilt without the assumption of forced inferences, and shall parliament use the ungenerous part of those feeling politicians to condemn him? If they do, what advantage is gained, or the community can be expected to revolt from such a measure? Are consciences refined, and truths suppressed, by being removed or exaggerated?—In the reign of James, it was criminal to say, that the King was a Papist, but the severity of the law, or the cruelty of its execution, could not eradicate from the mind of a single individual, the confirmed belief of the fact. Steele is only attacked, because he is the advocate for the Protestant Succession; the cause which he so ably defends, gains the advantage, though he adds the Succession is to be wondered; his parliament will be a symptom, that the Succession is in danger; and the ministers are now forcing the pulse of parliament, to see how far they may be able to proceed. Does Mr. Steele, he inquired, wear any blame for writing against Popery? In the reign of James, indeed, preaching against Popery was considered as casting a reflection on the ministry. But it was not so in the reign of King William. From what history does it arise, that what is written in favour of the Protestant Succession, is deemed a libel on the present administration? General invectives in the pulpit against drinking, swearing, or any particular vice, have never been attended a reflection on particular persons, unless these persons are guilty of the drinking or against such the particular vices. It becomes, then, a fair inference, from this irregular and inconsistent against an offender, that the drinking or of the present administration is to obstruct the Protestant Succession." Carew's Walpole, vol. i. p. 71. The part of the Speech here quoted was collected by Mr. Carew from manuscript taken in the handwriting of Mr. Robert Walpole.

"Right, has published the *Wall of King Henry 8.*, which seems to be intended as a pattern for the late occasion." And a little lower, "Let those who are under the present antipathies, and yet pressed to dispute for an absolute Hereditary Right, quote themselves with the arguments they have borrowed from Popery." Mr. Walpole said, it could not be denied, "That the Lord Treasurer was the patron of learned men, for whose use and improvement, he had set up a fine library; and that it appeared by the book called, 'The Hereditary Right of the Crown of England asserted,' &c. that the author had free access to that library, and had drawn very material passages out of their manuscripts in it. But that the Lord Treasurer's care, to supply him with materials towards that work, went yet further, since his lordship had employed a man or two, writing old money papers, the *Wall* and Testament of King Henry 8., which the said author had inserted as largely in the Appendix to his book. That he applied to Mr. Lowndes, a member of the House, and Secretary to the Treasury, whether he had not paid, by the Lord Treasurer's order, twelve or fourteen pounds, to the persons that had made that great discovery; but that in case he should deny it, he, Mr. Walpole, had evidence to prove it." Mr. Lowndes answered him to deny the fact. He only said, that *Wall* was not so rare a piece, since it was to be seen in a place he named, in Westminster Abbey.—On this occasion, Mr. Walpole mentioned three points, in which he endeavored to prove that the Peace had already been broken:—"The first, he said, was the Detachment of Dunkirk; which ought to have been finished five months after the signing of the Treaty: But that instead of that, the French had, yet, only pulled down part of the outward fortifications, without touching the Counterscarps; which, on the one hand, rendered the English garrison useless, and exposed to any landing; and, on the other hand, would afterwards make a way for the French to enter and rebuild their fortifications; which was the more probable to be in their thoughts, since, instead of mending the harbour, they were actually repairing the sluices, and working as a new canal. That the second point, was the Breach of the peace of the House of Bourbon, which were laid down as the foundation and basis of the Peace, and as a promise, that thereby the crowns of France and Spain, would be more divided than ever. But that supposing, (what he could not by any means grant) that those Breachings were to be depended upon, they were yet conditional, and supposed the emperor's Breach to be the crown of Spain: And therefore, as no one had been able to engage his imperial majesty to agree to this necessary condition, as the Breachings of the prince of the House of Bourbon, became thereby not binding and void." The third reason which Mr. Walpole gave, of the violation of the Peace, was the French king's *Ordinance*, dated September 12,

N. S. 1718, "forbidding the children of Foreign religions, though born out of his dominions, to come into their realms, without his permission, upon pain of being sent to the galleys." To which purpose, Mr. Walpole represented, "that the said *Ordinance* was against natural right, and the law of nations, and, in particular, dangerous to the rights and liberties of the British nation, which the children of the refugees, born in England, were entitled to enjoy, as well as the other natives. That he would adventure to say, in their behalf, that it were to be wished that all who bore the happiness to be born in England, were as good Englishmen as the others of the refugees, and that the British nation was the more distressed, in having that *Ordinance* repeated, in that the refugees, and their children, were the fittest to carry on a trade with France."

Mr. Horatio Walpole, backed a hot his brother Robert, and in favour of the French refugees; and "Deplored the lamentable condition of their minorities and the pain amongst them, in whom the Lord Treasurer, had not paid the penny of the 12,000*l.* per ann. voted by parliament, and allowed as the *Card Lot*, toward their sustenance and relief, since he came into his office." To that purpose, he added "That some amongst the refugees suffered more more in England than they did during the persecutions in France; since there were always some charitable people who relieved them while they were in prisons and dungeons, whereas here they were left alone."

The Lord North, backed also Mr. Robert

"David Finch, eldest son to David earl of Nottingham, was elected one of the knights of the shire for Rutland in 1711, and served for the same county in all parliaments whilst he continued a commoner. In "the Morning," No. 2, April 24, 1774, he is thus characterized:—"Young David is a modern of most elegance, and of hereditary gravity, known in the country where he dwells, for a person particularly well fitted to speech-making; and by a family propensity, more especially, adduced to it at those times when most may be said with the least application." This if interpreted in allusion to a severe remark is introduced for the purpose of contrasting with it the following more pleasing anecdote.

"In a paper of his in the *Guardian*, David published a spirited defence of Lady Charlotte Finch, daughter of the earl of Nottingham, and afterwards duchess of Devonshire, who had been treated with rudeness and affronts by an anonymous writer in the *Bluestockings*, for alleged misbehaviour in church; and was by the hint of her father, probably pre-disposed in favour of an amiable man, and it may be, attached to him by an antecedent friendship. In this as it may, when the question about Steele's reputation was agitated in the House of Commons, lord Finch stepped forward, and made attempts to speak in Steele's behalf, but being restrained by an impudens modesty,

Walsley, and gave early, pregnant proofs, of his eloquence hereditary in his noble family, his lordship among other things, endeavoured to justify Mr. Steele, with relation to the recent and treacherous part of the charge against him,

and even defence to an assembly in which he had not yet been accustomed to speak, he rose down in visible confusion, saying, so as to be overheard, "It is strange I can't speak for the most, though I could readily fight for him." His words being whispered from one to another, spread in an instant like electrical fire; and a restless bustle, from all parts of the House, of "hear him! hear him!" with audible marks of astonishment, brought Lord Faulk again on his legs, who with extraordinary recollection, and the utmost propriety, spoke a speech on the occasion, in which, as it was related to that writer, in the language of the theatre, "there was not a word which did not tell."—The eyes of the whole company were upon him; and though he appeared to have strictly kept what he rose up to speak, yet the passionate manner, which the whole company knew he acted upon, procured him such an exclamation of voices as told him, that he expressed himself with a simplicity and clearness, proceeding from the integrity of his heart, that made his very adversaries receive him as a man they valued their friend.—Such was the noble nature which first produced the nobleman's natural eloquence, the force of which was charming, and irresistible, when turned on the position of the oppressed.

"On the accession of King George 1, Lord Faulk was appointed one of the gentlemen of the bed-chamber to the prince of Wales, when his father was declared Lord President of the Council. October 15, 1713, he was constituted one of the Lords Commissioners of the Treasury; and resigned all his employments Feb. 22, 1715 &c. He was made Comptroller of his majesty's household, May 25, 1715; which office he voluntarily resigned, after he succeeded to his father as earl of Winchelsea and Nottingham (Jan. 1, 1716-20). On June 1, 1722, he was sworn of the Privy-council. On March 16, 1741, was constituted First Lord Commissioners of the Admiralty; and April 12, 1743, was appointed one of the Lords Justices on his majesty's absence in his German dominions. He was one of the ministers to the duke of Saxe-weimar, chief-innkeeper at the electoral of Brandenburg, prince of Wales, April 12, 1751. March 25, 1754, he was elected a knight of the garter, and created June 4. April 6, 1757, he was a second time appointed first Lord of the Admiralty; but resigned in June following. At the request of the present king he was constituted of the Privy Council, and constituted President, July 12, 1763, which office he resigned July 26, 1768. He was also one of the older barons of the Treasury-house; and died Aug. 2, 1768, in his 82d year." See *Nichols's Eminent Characters of Supply*, p. 328, 329, London 1809.

But his third wish, in the storm of his last Regency, that his electoral highness of Hanover, would be so grateful as to signify to all the world; the perfect good understanding he has with the court of England, in all plain terms, as her majesty was pleased to declare she had with that House, on her part. He said thereupon, "That supposing there were in this state, some religious institutions, yet the same, could not, without injustice, be applied to the queen, but only to her ministers.—That nobody doubted the good understanding between her majesty and the house of Hanover; but that it was necessary, that the ministers should in great regard to that illustrious House, women, (to pass over other instances) the slight duty put upon the barren Duchess's memorial; which the queen had perhaps never seen, had not the duchess of Somerset showed it her majesty in print in the *Daily Courant*." My lord Faulk then justified Mr. Steele, in relation to his reflections on the Peace. We may, said his lordship, go a little further if we please; but yet they do not change the nature of things. We may, if we please, call it a bad conclusion; but I am sure it is accounted scandalous in Holland, Germany, Portugal, and over all Europe except France and Spain. We may call it advantageous, but all the trading part of the nation find it to be otherwise. And if it be really advantageous, it must be so to the ministry themselves.

Mr. William Wyndham saying thereupon, "That the ministry would not say that the Peace was advantageous to them."

The Lord Faulk very warmly replied, That it was plain it was advantageous to nobody, but our late enemies.

[*Mr. Steele expelled the House.*] Lord Lowry, one of the earl of Southworth, Lord Hinchinbrook, and some other members, spoke with a great deal of vivacity in defence of Mr. Steele, and against the conduct of ministry. But Mr. Andrew Foley, or William Wyndham, the Attorney-General, and some other members, being supported by a great majority, still insisted on the question, so that at last, it was carried by 145 voices, against 121, First, "That a printed pamphlet intitled, *The Regency*, being the close of the paper so called, and two other pamphlets, entitled, *The Crisis*, written by Richard Steele, esq. a member of this House; are scandalous and seditious Libels, containing many expressions highly reflecting upon her majesty, and upon the nobility, clergy, gentry and gentlemen of the Kingdom, maliciously insinuating, that the Protestant Succession in the house of Hanover is in danger under her majesty's administration, and tending to alienate the affections of her majesty's good subjects, and to create jealousies and divisions among them. Secondly, That Richard Steele, esq. for his offence in writing, and publishing the said scandalous and seditious Libels, be expelled this House."

It is observable that two Scots members only spoke in that long debate, to wit, Mr.

Bacon, and Mr. James Stewart, judge advocate in North-Breton. The first said, "He was little acquainted with the affairs of England, but had read at his leisure, to know those of his own country; and this, by all the observation he could make for some years past, there who appeared the most anxious for the Peninsular's interest, were most forward and commended, by those in power." This was confirmed by Mr. James Stewart, who added, "That to his certain knowledge 3 or 4,000,000 had been yearly exported to the highest class, whose clergy, and the men under their command, were known to be entirely devoted to the Chevalier."

MR. STEELE'S APOLOGY.

Shortly after his expulsion, Mr. Steele published a Defence of his Conduct. It was entitled 'Mr. Steele's Apology, for Himself and his Writings, occasioned by his Expulsion from the House of Commons.' Besides the numerous able Speeches which he made in the House, it contains several particulars not mentioned in the foregoing Proceedings. We therefore give it entire.

MR. STEELE'S APOLOGY

FOR HIMSELF AND HIS WRITINGS, OCCASIONED BY HIS EXPULSION FROM THE HOUSE OF COMMONS.

"*Palatib Quarta Pal*" His

"*To Mr. WALPOLE.*"

SIR: Whoever reads the following Apology will easily allow me, that I am not less con-

* "By this it appears, that this affair gave the occasion of the present inventory, a handle to stir up several things, which had it not been for this prosecution, had, perhaps, never been mentioned in the House of Commons. And which, having spoken in the hearing of several Lords, scattered the like reflections, and similar replies, in the House of Peers. A few days after, Mr. James Stewart was removed from his place, for writing what?" *Steele.*

† "The speech of Walpole on this occasion procured him great applause; but the public did not know, that the Defence made by Steele himself, was to a great degree the offspring of his eloquence; a fact related by Bishop Newton, on the authority of Palmer." Where Steele was to be expelled, the House of Commons, Mr. Walpole and Mr. Palmer, and Mr. Addison were commanded to go to him by the addresses and members of the Kin. Kai Club, with their persons order and distress. Addison, that Steele should not make his own speech, but Addison should make it for him, and he should come it from the other's Writing, without any mention or address of his own. Addison thought this an lived injustice, and said, that he must be like a schoolboy, and desired the gentlemen to give him a little more. Walpole said, that it was impossible to speak a speech without blood,

caused for the sake of a word than that of a learned man. I have declared the consequence I had in composing the Writings which are here defended; for the upright purpose, the innocent intention of them, is all which I am anxious to assert. In defence of truth, I observed popular hatred and conceits, with an propensity of selling the word more at the ordinary consequences of life. The probability of being undone I could not but feel to myself when I took upon me what I did; but I might however think all that fell upon me, to be, a Resolution of the House in favour of my safety to my statement. The record was a blow unexpected; nor could it enter into my imagination, that the violence of my temper could run so high, as to demand of the House of Commons to punish one of its members for being unacceptable to them. The personal attack Pamphlet will convince the reader, there was not so much in the appearance of any other motive for my Expulsion. The day of debate was indeed a very remarkable one, and the persons concerned in it highly worth suspending the councils of a nation. It was remarkable however, that such was the force of truth, that the number accused had not as much personal exposure and against him; and the manner, in the midst of all his power, who brought on the accusation, was treated in the manner which all mankind know he deserves. As for my part, I ever thought merely of the equity, though not, all body, of the good-nature of that denigrator, and was very well his indignation would one day suffer by his ignorance. It was visible, whatever became of his country, which I believe had little share in his Lordship's care, he would, with the sword in his hand, raise powers which he would want still to command, and which consequently would not be useful to peace.

But without dwelling upon the contemplation of mankind wrought by a dancing wight creature, placed in a position proper only for a man and virtuous man, I am now to give you my thanks for your generous defence of me in this great assembly. Your behaviour was indeed equally noble during the whole French administration, and your eloquence was of public service to your country, when the prerogative was opposed to the crown, not to crush our own sovereigns, but to complement France with

the being pressed, he said he would try, and immediately spoke a very good speech of what he thought proper for Steele to say on the occasion, and the next day is the house made another speech as good, or better, on the same subject; but so totally different from the former, that there was scarce a single argument or thought the same; which particulars are mentioned as illustrious proofs of his uncommon eloquence. *Speech of Bishop Newton, by himself.*—Steele afterwards published an 'Apology,' which, with becoming gratitude, he dedicated to Walpole. *Cave's Walpole.*

the greatness and extent of her and her people. The intervention of providence has given us a shield against the immediate dangers which such rapacity and folly had placed before our eyes, and none so great as employment is to us by safe without dependence upon France.

I have sometimes thought that we were not there are not words to represent the language of a minority, to cover so great and pernicious an imposture upon their country, as the improvement of that part under the pretence of the demolition of it.

You have the honour and happiness to have personally opposed all the measures which thoughtlessly were made upon the greatness of our power and the wealth of the subject, by permitting them both to their own selfish designs, and destroying, as far as in them lay, the good-will of all men of virtue and sense.

They have indeed ruined this good, that have can be nothing said of themselves, the worst accounts that ever strangers employed, but what they had caused to be said to the charge of those who were their predecessors, persons whose station had raised them again to such a standard, that nothing but the universal industry of her own ministers could lower to the helpless condition to which they had reduced it.

These ends could not have been supported, had not the demagogues, by the abuse of power, deceived many in the legislature against attention to the true interest of themselves and their country, while an unconscionable creature, who had the good-will of no man, could manage arrears so skillfully enough to be sufficient to destroy all, for fear of an alteration of officers that might be granted to an opposite party.

When the following instance of the harsh and almost desperate as gentlemen to us determined before hearing, the concern only at no end more, it would not be worth troubling the world with so many words on the occasion; but rather what I now write, or what you much better quill, in a case of so little consequence; and when you undertook it, you knew you were pleading for the rights and liberties of the Commons of England, and I will take upon me to say, that there never was a greater credit on the administration than this, except one procured by the same person without the least deference to the order of things, the common sense of mankind, the honour of the crown, or the property of the subject.

It needs not be said what this greater respect was, nor who had so little grace as to be guilty of it. It was he who was born to order for the advancement and defence of them, a man whose magnanimous nature, acquainted by him, the subject of his light, before all dignity from church, still remains an honest republic.

As to my own part, under the fatal and tyrannical of the Demagogue's administration, could what you should have thought of me, could

could to the public, I should have no need of this defence; but since I have not here the assistance of your eloquence, I beg the advantage of your name and character. For I know it will be an argument with every honest man that my cause was good, that you so nobly supported it, for that admirable talent, as speaking of adversity you are masters, has never been prostituted to serve dishonest purposes, and you have too studied a spot, not to witness it a piece, rather than disparagement of your eloquence, that the cause for which you have so vigorously pleaded needed no aid but from the reports of its opposers.

The happy ability of explaining the most difficult parts of business to men totally unacquainted with newspapers, has been so useful to the public as honorable to yourself. As you have detected the selfish, so you have helped the ignorant of your very adversaries, according to their intention to abuse or save their country.

It has been said, That the greatest art is to hide art; but you have a much better arrangement towards persuasion, the leaving nothing to conceal, for truth is as certainly the greatest eloquence, as honesty is the best policy. Let those who speak or act against their conscience, abuse their little powers and appliances; but it ever your commendation is dispassionate and positive assertions. A long course of suffering for your soul is an honest cause, has given you the character of an open honest English gentleman, with a reputation which takes off the reputation of weakness from simplicity of manners, and with the dignity of knowledge to the beauty of innocence.

As I never entered into political debates with ambitious views, but have brought my dissent within the measures and decent reverence of his, I am the more jealously conscious of the little I expect of the world, which is only to accept of my service to the best of my ability, without looking too much against approach, in the reasonable expectation Mr. Walpole generously lost me his presence; and though he could not persuade my judges to do me justice, he convinced them I deserved a different sentence from what they pronounced. But, alas, they had learned, by long practice, to do shameful things, without being dishonest; and though your arguments could convince their reason, it could not make them open it in my favour. You sent them away, I think you, with the same thoughts of themselves, which you had of them; and whatever truth and appearance depressed, as the use of reason and conscience, the judges were corrupt, and the spirit was found corrupt.

I humbly thank you for your constant part in this affair, and congratulate you on receiving the favour of your price for your service to your country. As doing good to the public in the nature of punishing favours, it is, with which we pay the public enjoying them. I

with you the possession of all your fresh heart desires; and am, with great respect, Sir, &c.
ROMANUS FREULI.

THE PREFACE.

That Defence was printed before the death of our late majesty; but upon that accident the publication was deferred lest some harsher might be taken to interrupt the business of the nation by an offence given to persons who were principally guilty of the opposition here represented. They might possibly have accepted to borrow another cut of conscience in their favour; and it was to be feared, that the same tyranny, which punished a man for a doing in which he ought to have been encouraged and supported, would here go on to condemn the least murmur against its determination; I have said tyranny, because to resist or act against justice, truth, or common sense, is as much tyranny to an assembly as to a single person. But I must do the majority of the House which expelled me the justice to own, that they earned themselves as men whatever they were doing wrong, and no one appeared active in it but professed slaves and knaves, that is to say, such as I have called in the following Narrative the Messengers of the Tyranny: Members of the House who were immediately dependent upon or related to a noble lord whom I need not name, that sent orders by his servants to turn a member of England out of parliament, because it was not his lordship's good pleasure he should sit there any longer. When a man is out of power, it is usual to deduct from the share of his high talents and qualifications. But I cannot be guilty of such injustice to this great man; for never was master since the creation more thoroughly master of that great necessary in him, who mediates vast designs, the choice of instruments. Marlborough, in every part of his previous writings, strives against the abuse of one weakness, for such are apt to utter some soft word flowing from compassion, or other weakness, for want of the habit of bloodshed, which might spoil the whole design. Our Hero cannot be accused of being injudicious that way, and I have a thousand times sat in deep admiration of his choice of Agents, who if they had been the least grain more rash, more poor, more foolish, more wiser, more tall, more short, more lazier, or more bold, had been unfit for the work he had. Had any man against his masters in either of the assemblies more eloquence, more generosities, or more credit than comes to a single member's share, let such a one open his mouth, he should be attacked with one who had as much right to speak as himself, with as fine authority, and then seconded by one just one degree wiser than him, and a third had got up the matter with an assertion still wiser, to the utter confusion of the man in his words, whose noble faculty of addressing the cause of truth should be immediately reduced to an incapacity of service, and down he must go. Such was our Hero's manner of destroying; and destroying all private opinion

him. The same genius in disappointing the force of superior talents, ran through all parts of his career.

The wilings hereafter spoken of were an apparent vindication of the king's title to the crown, and an honest representation of the dangerous state of the nation. Now would any man living believe, that it was so entire that such be made an accusation before an House of Commons? But so it was; and there appeared as it follows here was answered by nature for such a work; Creatures that could see, but not make you angry, such were instruments of iniquity, that the wickedness was depurated by their conveying it, and the diageny and diageny own consequence of what was doing, was hidden by the inconsistency of the agents. A persecution from them was like being troubled with venem. Though I had too much of mind to be so humane enough to enjoy the abuse, there was, with all the cruelty of it, something particularly come in the affair. All the rest of man in the majority of the House, though they did not design to deny a friend a vote, stood off, and left the whole management to the family and the office.

The matter was made in the poorest manner, and the Accusation laid with no stupid action and cold impression. The Answer straggled a man for sedition, with the same sedulous and indifference as another man puts his neck. What was spoken appeared only a show from the mouth, and Mr. Foley, as well as the who he did, might have blown his nose and put the question. But though the choice of my accusers was corrected by their phlegm, inasmuch that they were harmless and slow; yet had they perseverance to go on, sensible of the railway of the contrary party, and the contempt of their own. The most lamentable thing of all to consider was, that though there was not one man of honour, who spoke on the side of the minority, but did it upon general terms, whereas he apparently discovered his disapprobation of the work he was doing, so many honest gentlemen should join in a Vote of Expulsion!

It is possible some gentlemen might think in their consciences, it is an honourable action for any private man to interdict upon the administration of the public. God forbid I should say they were not some worthy men - he were they persuaded in this case; but if they were so, I know not why they should, as members of the House of Commons, punish a man for what he did before he came into the House, especially since that thing would have been laudable in him to have done, if he had been in the House.

All I shall profess farther is, that I thought the circumstances of Great Britain and Europe were such as made it an honest and necessary action to interrupt and oppose the measure of the minority. When I thought it my duty, I thank God, I had no farther consideration for myself than to do it in lawful and proper way, so as to give no disengagement to a glorious cause from my collection in want of judg-

Sir Tho. Boad, bt.
 Tho. Pe, sen.
 Tho. Wylie,
 John Rudge,
 Sir W. Robinson, bt.
 Sir W. St. Quinton, bt.
 Sir Charles Horlock,
 Tho. Vane,
 Wm. Polwerry,
 Hugh Cholmley,
 Edmund Dunch,
 Wm. Southwell,
 Tho. Franklin,
 Ralph Bt.,
 Henry Foster,
 Leonard Smith,
 Arch. Hatcherone,
 Philip Popple,
 Tho. Jon. El. Watson,
 Sir Rob. Forester, bt.
 Sir John Norris, bt.
 Philip Gidley,
 George Doddington,

Robert Druman,
 George Noyles,
 Thomas Jones,
 John Hoadkenny,
 Sir J. Campbell, bt.
 George Butler,
 Col. John Campbell,
 Charles Oglethorpe,
 Sir W. Johnston, bt.
 Sir James Stewart, bt.
 Alexander Grant,
 Wm. Stewart,
 Sir J. Ainslie, bt.
 Henry Cunningham,
 John Halden,
 John Lockhart,
 Sir G. Dalrymple, bt.
 John Stewart,
 Sir J. Carmichael, bt.
 Tho. Smith,
 Sir Gilbert Elliot, bt.
 Robert Munro

most the Commons, to show their impartiality, have thought it to distinguish only the names of one of their own members, by taking him, both his good name and seat in parliament, while all other writers pass unmentioned. The members think himself at liberty to do what he can to weaken the force of that censure, as a character or as that person or even himself relating to himself, as well as he can reconcile.

If the reader will allow me the liberty of speaking of myself sometimes as a third person, to avoid the word I, (which often repeats even in a justification, but as almost as I) will tell the story very honestly.

It may, perhaps, appear awkward to represent what was said by the representatives of one's country, but in order to keep in within such bounds, it is expedient, on this side, to have a due regard to the lives and honour of those whom they call before them, but not to expect that, when they have had the heaviest weight which they are able upon an offender, he will be intimidated from disputing the justice of their sentence by the terror of their future displeasure, which can have no more nothing so terrible as what is already inflicted. The Resolution against Mr. Steele's name is in all the justice that can be joined to the name of a gentleman, and they have certainly made him desperate and regardless of what further they can determine on his conduct;—so inflicting punishment, especially where the penalty is not prevented, then should be always a regard had to the person who it is inflicted; and whatever sense any body of men may have of good and evil, they should still suppose there are some men who prefer their integrity to all other considerations, not excepting those of riches and power.—Hence is the true essence of a man, and consists in the consciousness of conscience and honesty. This, indeed, cannot be taken from him by the outrage of calumnies, or the shame of prison. But though such a sense of reproach is to be the private rule of a man's conduct, and will certainly prove the best support under all disappointments and adversities, it is too elevated a notion to carry him through the business of the world, without having a due regard to reputation and fame. A man's reputation is the dress of his honour, and though losing a man's clothes cannot hurt his life or his health, yet if he will allow them to be rent into rags, he certainly let passengers throw dirt upon them, he will be sure to be received by the decent part of mankind in that condition, from the perspective they care it but have to his habit and outward appearance, and consequently he will be unable to perform the offices of life with respect to others as well as himself.

To convince the world that Mr. Steele did not deserve the Sentence before recited, I hope to show that his whole conduct as a writer, in which character only he has been charged in the House, has been full of instances of a quite contrary conduct to that of which they accuse him; as well as that the Passages themselves

Lord Finch was unfortunately shot out at the distance; but the noble part he acted in the debate will ever be remembered to his honour.

MR. STEELE'S APOLOGY, &c.

I have waited with much patience during the session of parliament, without offering at any thing in my justification against the Sentence which passed upon me on the 18th of March last past, which Sentence, and the measures to it, are expressed in the two following Resolutions.

Resolved,

That a printed Pamphlet, intitled, 'The Englishman,' being the close of the paper so intitled; and one other Pamphlet, entitled, 'The Cause,' written by Richard Steele, are a member of the House; are scandalous and seditious Libels, containing many expressions highly reflecting upon her majesty, and upon the nobles, gentry, clergy, and universities of the kingdom, maliciously insinuating that the Protestant Succession in the House of Hanover is in danger under her majesty's administration, and tending to alienate the affections of her majesty's good subjects, and so are seditious and libellous, and having them.

Resolved,

That Richard Steele, esq. for his Offence in writing and publishing the said scandalous and seditious Libels, be expelled this House.

I hoped every day, during the session, to have heard other writers called to an account for their errors as well as myself, especially those who had provoked me to say what gave so much offence. In that case I might perhaps have heard something alleged, that would have made it appear necessary to the representatives of the people, to censure as well those who are oppositely to them for there, as those who are against them. But since they have punished only me, who, if I am guilty at all, am guilty only of two passages said in a good cause; I say,

which were brought against him will not support their accusation.—Anger, which is never wise, made a man considerable to himself, of so much consequence, that while he was in the House, people equated-headed (as if to know him was enjoying a great point) to know him and despise him. I know not how better to represent his conduct during that time, than by saying he was the quiet observer to that sort of contests among them whom they call 'a faction of the House.' A favourite of the House, is one who says and does what he pleases, and is always acceptable, whatever he advances, because he is rational. Mr. Steele, with a quite opposite aim, was to do nothing but what should be disliked, because he was alone. The disposition against him appeared the very first day of the session; when I happened to hear at that time was the entertainment every where for a whole week, therefore I shall very circumstantially relate it.

After two or three gentlemen had proposed to Thomas Hume for Speaker of the House of Commons, Mr. Steele took upon him to say he had the more honourable remembrance of that gentleman in the following words:

'Mr. Jodrell;

'At the close of the last Parliament, let me say, was graciously pleased to declare from the throne, That the late rejected Bill of Commerce between Great Britain and France, should be offered to this House. That Declaration was certainly made, that every gentleman, who should have the honour to be returned thither, ought to make himself master of that important question. It is demonstrative that was a most generous Bill, and so that one have a greater notice in this House, than by whose weight and authority that generous Bill was drawn out. I rise up to do him honour, and distinguish myself by giving him my Vote for that his sustainable service to his country.'

It will be impossible for the reader to conceive how this speech of his was received, except he has happened to have been at a cock match, and has seen the triumph and exultation which is raised when a valiant whose fall was most very painful to part of the company has been carried. At the entrance of the Bill of Commerce, the cry began; at calling it 'provisions,' it increased; at the words, 'Doing him honour,' it grew insupportably loud: but having no reason for being confounded for other people's folly or stupidity, Mr. Steele bore the insolence well enough to speak out what he intended. He had hardness enough to do it, from a resolution which he had taken, to govern himself by, when he was in the House, which was, to prefer the fate of an honest man to that of a crook. I must confess I stood in some amazement to find where the ridicule lay in the words 'I rise up to do him honour,' the natural meaning of which I take to be showing him respect, and not implying that it is an honour to him that it is I who do him that respect; however, were it taken in the latter sense, in

which Mr. Steele really did not intend it, I do not see the stupidity there would have been in it; he does not declare to us in that House, who does not believe his words an addition to the person's reputation on whom he is speaking, for the good opinion of so honest a man is an honour to the greatest man living. At the same time Mr. Steele does not attribute this particular outrage to the House, any further than that they ought to have suppressed it, and severely chastised upon it, by turning out the offenders, who, it is supposed, were a parcel of rascals who intended to vex the members before the election of the Speaker, from a received error, that there is no authority in the House to be a censor. As he came out of the House, he could hear nothing but those loud cries, 'talk to me another.' 'Oh! it is not so easy a thing to speak in the House—He knows, because he can verily—' and the like deep scornful-cries. But to the matter itself.

On the 15th of March, 1713-14, a Complaint was made to the House against certain pamphlets or three printed Pamphlets, one intitled, 'The Englishman,' from Saturday, Jan. 16, to Tuesday, Jan. 19, 1713, which is a printed Letter to the Englishman, in which is subscribed the name 'Richard Steele.' Another, intitled, 'The Cross,' in the 1st. page whereof it is said, 'by Richard Steele, esq.' and the other, intitled, 'The Englishman brought to close' of the paper so called, is the 1st. page whereof it is also said, 'by Richard Steele, esq.' in containing several paragraphs tending to sedition, highly reflecting upon his majesty, and attacking her administration and government. Upon which the aforesaid member was ordered to attend in his place the next morning. He attended accordingly on Saturday the 15th, and heard the several paragraphs, in the printed Pamphlet complained of, read. After which, at the proper time, he stood up, and read a Paper containing the following words.

'Mr. Speaker;

'I have written and caused to be printed several books and papers with a serious and good intent to serve my queen and country, the present happy establishment in Church and State, and particularly the Protestant Succession in the House of Hanover. But I submit it to the House, whether, in justice to the defence that is due to every subject of this kingdom, I ought to admit that either the contents or substance of the papers laid upon your table are the same I wrote and caused to be printed, before I have perused and compared them; especially since every one knows it to be fact, that false relations of books, which will, are published every day.

'Mr. Speaker, Though I was ordered to attend in my place before our particular prayers, if I am rightly informed, were read or objected to in the House, and yet now that I have heard what they are, I trust to the justice of the House, that I shall have a reasonable time to peruse and compare them, and if I find them

upon printed to be really the same which I wrote and published, I shall unapologetically own them, and hope to make such delivery of them as will be satisfactory to the House; for which, I doubt not but you will allow me sufficient time."

Since then, for comparing days, would Mr. Steele presented to, the Monday following was proposed for the day of his defence; but that was easily got over, upon his saying that the next day was Tuesday. After a proper time to be allowed was debated for some moments, and that the desiring to collate the papers was said to be mentioned only as the most obvious circumstance absolutely necessary for the Minister's Defence, but that much more must be supposed as intended, as that, for his satisfaction, the House agreed to a very good dispensation, which the several members did not think he should be desirous till the Tuesday following. It was very handsly pressed that this was no day at a time, till a particular Order stood up, and endeavored to warm the House into an indignation of evening, with an air of pathos, so high an offender. I cannot be expected that you can remember every man's voice, but the man I mean was of an enormous stature and bulk, and had the appearance, if I may so speak, of Don Quixote. His complexion turned his face so disturbed, and the whole man something particularly unbecoming, disagreeable, and shocking to the English constitution. I heard, by his voice, order, and colour, he might be descended from a Moor, and was in a purchase of his Arabian, or other trading, company, which was not named. This man, then, it, was certainly hated everywhere, and being now one of it, asserted that he knew of evidence in measure and brightness. The universal cry rose up to turn all the mutual inclination which he can prove towards the member accused; and with well chosen words and perspicuous argument, laid before the House, that he, forsooth, was glad to see the good disposition gentlemen appeared to be in, and applauded their tenderness; but at the same time he could not but remark, that the debt of the struggle was then to make the greater number of the gentlemen of England appear Steele's and enemies to their country. I do not pretend to give exactly what he said to the eyes and ears of company; but it persuaded very much towards the effect he desired, and bestowed all that was obtained on the side of the defendant in the preceding part of the debate, and such that Mr. Steele grew in fear he should have success at all; and therefore when the House was going to divide on the question, whether he should be allowed on Thursday or not, he stood up and begged till Thursday, in which request Mr. Pitt of Wiltshire had the humanity to second him, and the offer was appointed for that day without a division.

On Monday following, the 15th of March, following, great part of the House which he had brought upon himself was going to what

he had went about Don Quixote, he thought it was as late for his absence to have been passed, as being in the ordinary Christian manner; the House before he came in. Mr. Steele's members upon the suggestion of some of the House had to be very handsly had fully to proceed to enter their plea, by a petition of the several opposition against him from those who were personally related to the House, and in such circumstances as to clear all others to the, and representing his own conduct so particularly enabled and unassisted, that there was not one man living of his kind, nor he is circumstances capable of engaging the friendship of any man there but from the most of his name. 'I have' said that famous person, 'This is think my advantage for that their hard prosecution has opened to good a way to the favour of Englishmen as yet.' From this all judged against him, which was repeated with much coldness, he uncovered himself as well as he could, by observing, that he never knew an unhappy man speak but just enough; and therefore would not murmur further, but leave to the question which he had prepared and held to his head, as it was in his power to leave; which was

"That as handsly Address be presented to her majesty, that she will be pleased to give directions, that the several representations of her majesty's requests and others who have had the care and experience of the management of Don Quixote, and all orders and instructions given thereupon, be laid before this House." It passed to the negative. And from that moment Mr. Steele dropped of his cause. He prepared himself as well as he could to meet with his dignity, and considered all this was to follow as a letter, wherein handsly was never to make their currency, mark, or credit, without any regard to justice, or law. He what they could say would affect him or themselves. But Thursday the 15th of now came, and the order of the day for taking into consideration the Petition presented complained of to the House being read, Mr. Foley the speaker demanded that the matter appointed for the day might be entered upon, referring the method of proceeding to the House. Mr. Steele chose to make his appearance near the bar of the House; and I will not forget to mention one circumstance in the scene that very much assisted in his affliction, which was, that he had the honour to stand between Mr. Steele and Mr. Walpole, who completely intended to make upon them the point of his advantage. The first question proposed to direct the course was, Whether the member accused should stand up and read.

"Mr. Speaker,

"When I was called up the other day upon the same occasion, I presented the after acknowledgment of the papers laid on your table against me. I was ordered to do so. What has been done has been ordered upon by me with great simplicity, in favour of other members

man who may hereafter fall into any treason or crime. I now frankly and magnanimously own all these papers laid on my charge in the public right Whigs. I own them to be of the same kind as the rest, and I own them with the same universality with which I defended a Parliament. I humbly submit myself to this honourable Assembly, and depend upon your justice."

This occasioned a long debate, and in the debate between the speaking of particular members, the House called on, Mr. Steele, Mr. Steele, to begin his Defence, but his defence directed him to sit still. The dispute in a brief time opened over this question, Whether the member accused should answer paragraph by paragraph, and that what was alleged against him in each, and therefore answer, so that, now he knew upon what heads he was charged, he should proceed to defend himself? It seems that the motion on each occasion, that a member withdraw without speaking his head in the case the House proceeded to him, he is to have no further opportunity before the House proceeds to Criminal. It was therefore suggested or lost that a man was his time to stand up, and making use of his papers to answer when spoken, but chiefly stand as follows.

"Mr. Speaker: You will surely believe I have not been in a very solitary temper since ever I came into this House. When I am charged these writings in which I am accused, I sit down carefully to read something any book or treatise, and after on a sudden I rise to read my answers to the charges in them. I have also been forced to apply myself to the making my Defence paragraph by paragraph, as well as speaking to the method in which you have now been pleased to restrain me. From these writings, the different opinions of friends, long suspended between these opinions, and of sleep, and being pressed in point of time, I am now very ill, consider to make a Defence. But if you will forgive me blundering and stumbling words on bundles of papers you see in my hands and read over once transcribed, and my references from memory to others of these not fit in my mind, you shall have the worth of my heart in that discourse which will I hope will procure me the same for me, than what I could have produced with more method. I must therefore, as well as I can from papers which, as I said, I have not so much read over were transcribed, step out on a stand, and fall sharply into the particulars of my Defence, the way in which I thought to make it a more gradual and ordered manner upon the words I had before I came into the House.

"I have not, I hope, written any thing with an improper heat, though I have not shown an impartiality, and those who condemn what I have shown, will at least approve the heat to which it was directed.

"It is my wish for the destruction of Dissent, and my zeal for the Successors which is the only security under God of the laws, for

liberty, and our religion, have betrayed me into my errors which I am now sensible of, I hope the goodness of those reasons which concerned them, will be sufficient to excuse me and cover them. I am sure there are several persons who have talked with as much warmth and more boldness for a more contrary end, without giving the same offence to those to whose power it has been to pass them. I say, no, that there are many who have written with as great a zeal in a cause which is condemned as unreasonable by our acts of parliament, and yet have had the good luck to escape the notice of those who have had notice the writing of laws or the passing them in common. Besides, whilst I have thus preserved my temper, it must be allowed that no man ever received greater provocations. Those writers who directed themselves the profound advocates of the ministry, and gave themselves the air of being to the secrets of the administration, were the first aggressors. They have loaded me with groundless calumnies, misrepresented me in every part of my character, and have been as dangerous and malicious in the conduct of publishing these false reports, as they were in the writing of them. When I had the honour to be returned as a member of parliament, and was therefore promised to be such, instead of being thereby prodiged from this intestine trouble, I was only the more exposed to it. These papers I am now speaking of, perpetrated my errors, discovered to me the displeasure of men in great places, and foretold that more a lash is now fallen upon me, unless it be moved by the justice and honour of gentlemen, who are the only persons that can interpose in this case between an innocent man and an offended master. But to him is the cruel and ungenerous usage which I have met with from a minister who has several times professed himself a champion for the ministry, that no longer since that but I may be it is fallen upon me with all rage and malice, which is unnecessary a villain, a quaker, an infidel, and the worst man that so great a disturbance befell me as to be accused before this House. As if he did not think that might heavy enough upon my honour without to his exposure by detaching the cause which lay before this honourable assembly, and representing me in such a character as I hope is due to no man living. I cannot but take notice of his last paper, which, if any of them will be at the pains of perusing, he will find, (by what strange accident or contrived measures I know not) that it was full of the charge against me before this House. It was in a word to this sense that I first employed my pen, and as I believe, for the service of my country. This man has represented half of his Majesty's subjects as a different people, who have corrupted the nation and perverted the laws by the contrivance; but has never been called in account for a "a series of nation dealings with us."

He has treated the failure at our church like the honest selling old people, and of justice the

regulation of the most important matters in Great Britain, marked out several members in both Houses of parliament, and undertook to render them advice to the nation, when they have disagreed with him in opinion, or rejected any bill which the ministry had offered to promote. He has rebuked those persons which are as frequently and uniformly his enmity, and has dismissed members which are still in union. He has relied upon an exclusively a subject as that of her majesty's independence, and represented her as usually dead, for the sake of a poor concern which the greatest part of his readers were not able to value, and those who did could not but regard with humor. All this, sir, the author I am now mentioning has done, without being called to account for any reflections 'tending to reflect, highly reflecting upon her majesty, and upon her administration and government.' In the opinion of the world he has not only done all this with impunity, but with encouragement. It is chiefly in answer to this author, that those papers were written which are now upon your table. I could say, not without indignation an endeavour not on facts to confound truth with falsehood, and so turn the whole history of the present times into a lie. I thought I might act with the same safety as politicians, as he did in misrepresenting the reputation of several innocent persons, who are undenied every where that in his papers; and of many honorable persons, who by all tales are allowed to have deserved well of their country. And now, sir, let every French gentleman lay his hand upon his heart, and ask himself, Whether it was possible for a man of my spirit to have omitted those private and personal injuries which I have here mentioned, or for any honest man to have seen others so barbarously treated, without giving some notice to his constituents. But, a good name was dear to me as it was to the greatest man in England, and whenever employs all his wisdom to make me appear vile and infamous, cannot be angry with me if I lay hold on what I think defrauds on his own character and behavior, to expose it in the same manner. I am sure no man of honor, and it is my happiness that this assembly is composed of no other, would make such a sacrifice or hazard as any, the most powerful of his fellow subjects. I know no law of God or man that requires the loss of reputation or self-denial.

"I have been the longer upon this head, to show gentlemen that this great affair which is now laid before them, has been hitherto, notwithstanding the many instances I have now raised against the greatest persons in Church and State, only a paper war between two private persons, and they must have had a more opinion of the dignity of a British House of Commons, who think they will make themselves parties in either side of it. Besides, I have another reason for opposing my Defense in this manner, because I find that the first Paragraph which is laid to my charge, that

express me of nothing else but of shewing disrespect to the King's name. Here follows a bill is marked against me, what I say in the *Parliament*, Number 48.

"But there is still a circumstance in the same paper of the *Examiner's* that may lay a consequence yet more immediately upon me, and that is the first sentence in it, 'I charge her majesty is to be the last, we hope she will be obliged to own her for the present and worst of the Streets.' I cannot but think this expression intended to have a great deal of a poisoned blow, in whose breast he might, and says, Since her majesty is to be the last. The natural way of speaking in sense, to a man who was in the interest of her country, had been to say, as her majesty without more is to be the last. But what does his intention be for the Pretender? not, I am sure he promotes her service in a very great degree, when he endeavours to rally that House of Commons which is now laying a price upon his head—But let the rest of the world do what they please, and delay their protestations against these evils as long as they think fit, I will postpone all else that is dear to me to the love of my country—and so this is, and I must in *Parliament* will be my strongest passion to my King and I will, while it is not day, profess, and publish the rules by which I govern my judgment of men and things in the present conjuncture.—Does this action look such a one as a man of honor as for the Pretender, a man of honor as for the house of Hanover?—Does this passage open a way to the Pretender? Or, does it further secure the Protestant Succession?—There are my questions, which I make the test of men and opinions; and it's more than a thing that may advance the interest of the Pretender or his friends, and can do any good to the House of Hanover, he may swear in his last breath that he is for that House, before he shall make me believe him. In like manner, if people call in me of hereditary right, and then follow it with professions for the House of Hanover, which can have no additional security from the urging of hereditary right, I shall no more believe them Hanoverians, than I should think a man religious who should make a blasphemy discourse, and close it with the rehearsal of the creed.—I speak all this because I am much afraid of the Pretender; and my fear is not increased, because many others laugh at the danger. I presume to say, those who do laugh at it either do not think at all, or think it will be no day of danger to themselves. But I shall rarely let go my fire against the Pretender's friends, because I think myself a very good judge of men's warts and all, and see what they intend at a distance. I own I have nothing to say for the liberty I take now, or the heat I put out to day, when no body else takes in the same side, but what the world did when he fired out of the stage—black upon lightly and before they cried

ignard: Would you have me say all they have lauded as?

"My adversaries must make the Examiner out of the country, before there can hang the tail of these paragraphs within their complaint. I cannot suppose that any Englishman can look me in the face for expressing my honest opinion on the whole transaction, as I have here done. As to the rules by which I profess to govern my judgment, they are, I suppose, what some would consider, as long as the state of man is in first principles, which is almost an old dispute. The paragraph if it takes them in such a pique but the application of these general and ambiguous notions to a particular case. I cannot imagine why any gentleman should seek it in particular, where by the sake of the word *hereditary*; a word that treats with so many disputes, and which, according to my notion of it, is inconsistent with the Succession to the House of Hanover, which cannot be more so but by passing over many of those who are the next I am in blood. But it happens that I have explained myself in this point in the *Englishman*, Number 5, where I am.

"The apology as excuses which have resigned amongst us, have made such wide roads, and to an absurdity, from their violence of opposing each other. While the one upon a parliamentary rule, has warmly treated his own expression of respect to his writings; and in his opposition has neglected to principles too near the sentiments of common-sense, with carrying too far the terms *hereditary* and *undivided*. Let them both agree that the question is not of all the rights inherent in the Crown of England, and in default of issue, the same rules derived upon the House of Hanover. When we talk of *hereditary* in general, all who can be persuaded that the Pretender is the son of James II, may be induced to conclude that his title is superior to that of any other upon earth, but when we allow that the Act of settlement, and the other subsequent acts, have well secured all possible title in her progeny and the House of Hanover, the Englishman has lost one voice before him; and any rule of the Pretender, of whatsoever kind, is as remote as that of the Tudors or Plantagenets, or any other ancient family—in this plain rule for the direction of our obedience, we have nothing to divert our thoughts from pursuing the real interest of our queen and country, and all, as one man, will join in a common indignation against those who would pervert our obedience, as faithful subjects and Englishmen."

"The last paragraph expresses my fear of the Pretender, which I must still acknowledge; at least I can see nothing criminal in them, till such time as it shall be made a crime to say that the Protestant Succession is in danger. I thought I had reason to apprehend the danger, from the power of one who had declared him self the friend and pursuer of that Pretender,

from his present conduct with a prince who has been implicitly applied to for his removal; from the apprehensions of a whole House of Commons in another England, whose men have been actually tried for his safety; from affidavits sent out in North Britain, from books written and published in vindication of himself. I thought my self sure not to fail, when the danger appeared so manifest; and I believe every gentleman will consent with me, that a reason for the safety of the public we should, in this great case, be delighted with any, or y danger, than laid into imaginary reasons.

"I observe, Sir, in those passages which are marked in the Dedication to the *Censor*. The first paragraph runs thus:

"I will take the further liberty to say, That if the acts of parliament mentioned in the following passage, had been from some to some good to a fair and clear light, and had been carefully recommended to the pursuit of young gentlemen in colleges, with a profusion to all other and unnecessary whatever, that kingdom had not been in its present condition, but the constitution would have had, in every member the universality, have sent into the world with the Revolution, an addition for our rights and liberties."

"I suppose, Sir, those who have marked this passage, would seek to intend out of it that I speak disparagingly of the universities; an imputation which I thought could never be laid to my charge, as may appear by innumerable passages that may be drawn out of books which I have published. It would take up the time of this House too much, should I desire that all those passages should be read, I shall therefore only beg leave to make use of that work which is called the *Englishman*, to search for use in this particular. In the paper of that name, Number 14, I thus express myself:

"Our schoolmen live, large provinces, and the exemplary character of candour, place them above the necessity of proving their acts, to be in themselves, their faculties, and their poverty, the most happy as well as the most content of the people. If therefore they will at any time separate themselves from the common interest of their country, such errors in their most necessary reading them, as instances which ought be indifferent to others, is a degree schismatics in the church, and rebels in the state."

"And I also say in the *Englishman*, Number 24: I have ever been of opinion, that our universities, as they have been the strongest support of our church, will be so less serious for the defence of our civil liberties, whenever they shall see them openly attacked. One of those Universities cannot yet have begun, when, by a most unexampled piece of cruelty, we send twenty of her students, for re-

* Written by Mr Serle himself.

† Written by a correspondent of Mr. Serle.

"daring to beguile of direct perjury, and bravely
"opposing an illegal commission, were all of
"them deprived of their fellowships, made in-
"capable of any ecclesiastical dignity, and
"such as there as were not then in holy orders
"declared and adjudged incapable of being ever
"admitted into the same. I shall conclude with
"disobedience, then done under false colours
"and false oaths, at the virtue of our ancestors,
"are in their very nature directly opposite to ty-
"ranny and unlimited power, which an igno-
"rance is a natural consequence of slavery, and
"and science may be properly called the eldest
"daughter of liberty."

"It appears by these, and many other passages
in my writings, that I have retained the greatest
broad and warm for these learned bodies,
in one of which I remained a part of my educa-
tion, and where I can still boast of much per-
sonal friendship and warm esteem. But I be-
lieve, Sir, there are some among those learned
sectors, who will think I deride from them
by any thing said in this paragraph. They there-
fore know their mistake, and that several
enquiries are gone out from among them, and
several still remain with them, who are the
most able defenders of that cause, and who, if
they had rightly marked our conversation as
recorded by acts of parliament, might have been
as able advocates for our Rights and Liberties.
Sir, I have reason to excuse the mistake, as
I had the happiness to have had a part of my
education in one of them; and it is for the
like reason that I shall always have a reserva-
tion for the clergy, who have been bred up from
my infancy (which I know not what your ac-
cuser meant not) in the doctrine of the Church
of England.

"The paragraph which follows in the Decla-
ration of the Lords is this

"There is one thing which deserves your
most serious consideration. You have heard
yourself by the strongest arguments that
religion can lay upon men, to support that
Succession which is the subject of the follo-
wing papers: you have tied down your souls
by an oath to maintain it as it is settled in
the House of Hanover: nay, you have gone
much further than is usual in cases of this
nature, as you have personally signed the
Protest in this cause; and that expressly,
without any equivocal or mental reservation
whatever; that is, without any pos-
sible escapes, by which the subjects of tem-
porary earnest might hope to elude the force
of their solemn oaths. You know much
better than I do, whether according to God
to promise to the majority of our situation in
these cases, whether the swearing upon the
holy Evangelists in the most solemn manner;
whether the taking of an oath before multi-
tudes of our fellow-subjects and fellow-chris-
tians in our public courts of Justice, do not
lay the greatest obligations that can be laid
on the consciences of men. Thus I am sure of,
that if the body of the clergy, who consen-
sually and voluntarily presented this their de-

"claration, should be made use of as evi-
"dence and examples to make the nation blind
"through them, not only the Succession is in
"danger, but the very essence of our religion is
"in danger. What a triumph would it be to
"in those evil men among us, who are sworn
"to your sacred order! What a success would
"it be to set to Athens and unbecomingly
"say, That Christianity is nothing else but a
"outward show and pretence among the mass
"knowing of its professors, what would be of
"useful subject to Jesus! What would be
"the wonderful triumph upon our holy church,
"which is at present the glory and balance of
"the reformation? How would our power
"clergy appear in the eyes of their people,
"and even to the successors of their own
"order under a government introduced and
"established by a conduct so directly oppo-
"site to all the rules of honour and principle
"Christianity?"

"A man may even be apprehend that his
and resolve may not be aided by additions,
without any imputation to their character or
without any gain. And I have only told the
liberty of all writers, to suppose a case
which is not likely to happen; and by that
means to answer the rest of those to whom
I address myself, for that cause of the pa-
per at which they are already provoked.
It is a way of saying, made use of by every
man who would bring over his reader in a
tool for what he addresses. What is more
frequent than to hear from the pulpit that
this or that must be brought upon Chris-
tians, would the professors of it devote
from those rules which is prescribed? And
would he not just to say, that the practice does
by this method measure that his hearers are
not Christians, as it would be to imply from
this paragraph which I have now read, that
our English clergy are against the Protestant
Succession? Nay, I think, nothing can be so
great an argument that I believe they are for
it, as that laying before the nation a more
than engagement that this holy order of
men have entered into for its preservation.
But to take off all possibility of so remote a
use, I have, in the paragraph which I have
now read, declared every such im-
putation, where I say,

"And I always speak, and think of your holy
"order with the utmost deference and respect.
"I do not mean upon this subject to maintain
"that there is such a disposition among you
"renovable body, but to show how much you
"are become and the manner of religion
"governed, that there should be no count
"given for it."

"It would be very unfair to suppose my
words, and to pervert them to a meaning in them
which I have not expressed, when it is which I
have expressed is a positive denial of having
intended any such meaning.

"Sir, I am afraid that how that set up the
accusation against me, only make use of the
name of the clergy to give it more popular

and to take off the skins from themselves, by the use of such venerable names, I hope that occasion will be thought to proceed from the real sense of it, and if any shipboard should fall upon me, as I know their blood, whilst I have the honour and happiness to be heard before this house, that a well given to request in the continuance of necessary minutes than of unimpaired days.

But, if I can suggest to myself any little merit from the writings which I have published, it is chiefly this. That I have personally agreed with authors as have endeavoured to abuse religion, and those holy professors of it. I have received several approbations in public and in private, from men in holy orders, for my conversing with them, to the best of my poor abilities, in the advancement of morality, and in healing those that miserable humors which had provided with many means to expose their persons and professions to the derision of foolish and wicked men. I must beg leave, in this kind, to produce some out of innumerable passages which speak with the utmost deference and respect of those holy calling in general, and of some particular persons in it, for whom, I believe, most of the gentlemen of this house have a very great and just esteem.

I shall first cite one or two very short passages out of a book called, *The Guardian*, which has been mentioned in this house; and which was published not long since. The first of which passages is in the 12th, 13th, and 14th parts of the 1st volume, in the following words.

"I am diverted from the account I was giving the town of my particular concerns, by casting my eye upon a treatise, which I could not overlook without an inexpressible regret, and with a kind of concern for all the civil as well as religious injuries of mankind. This piece has for its title, 'A Discourse of Thinking, considered by the rise and growth of it as well called *True Thinking*.' The author very methodically returns upon his argument, and says, by *True Thinking* I mean the use of the understanding, in endeavouring to find out the meaning of any proposition whatsoever, in considering the causes of the words or the arguments, and in judging of it according to the reasoning there on, without the assistance of the senses. As soon as he delivered this definition, from which one would expect he did not design to show a particular inclination for or against any thing, before he had considered it, he gave up all rule to the character of a *True Thinker*, and in the next apparent page does against a body of men, whom of all others a good man would be most careful not to offend, I mean men in holy orders. Persons who have devoted themselves to the service of God are venerable to all who love him, and it is a certain characteristic of a sensible unprejudiced mind, to call or speak

disrespectfully of them in general. It is one thing that as to great a crowd of men, some will invade who are of tempers very unlike, crossing their functions. But because ambition and avarice are sometimes lodged in that house, which ought to be the dwelling of purity and devotion, meet the controversy with another why the world order? The law has taken the best care to dispose his being as coming to the persons against whom he writes, not any where grounded, that the suspension of religious men to serve at the altar, and minister such who are not so wise as himself, is at all necessary or desirable; but proceeds without the least apology to undermine their credit, and to abuse their labours. Whichever arguments, in disputes against each other, have sagaciously observed, is more recorded in such a manner as to affect religion itself, by wanting concessions to us disadvantage from its own teachers. If this be true, as sure any man that reads the discourse must allow it is, and if religion is the strongest tie of human society; in what manner can we to trust the our common sense?"

I shall cite another passage, Sir, which is taken out of the 24th and 25th pages of the 2nd volume of the same work, and contains the following words.

But if to inform the understanding, and regulate the will, is the most lasting and durable benefit, there will not be found an equal and excellent an institution as that of the Christian Priesthood, which is now become the more of both.—But a numerous order of men should be consecrated to the study of the most sublime and beneficial truths, with a design to propagate them by their discourses and writings, to inform their fellow-men of the being and attributes of the Deity, to point out their minds with the sense of a future state, and not only to explain the nature of every virtue and moral duty, but likewise to persuade mankind to the practice of them by the most powerful and engaging manner, it is thing as excellent and necessary to the well-being of the world, that nobody but a modern *True-Thinker* could have the freedom or folly to turn it into ridicule.—The light in which these points should be exposed to the view of one who is prejudiced against the names Religion, Church, Priest, and the like, is, to consider the clergy as a noisy philosophers, the churches as schools, and their sermons as lectures for the idlers and improvement of the audience. How would the heads of universities at Tully have rejoiced, had they lived in a nation where the law had made provision for philosophers to read lectures of philosophy every seventh day in several thousand or schools erected at the public charge.

"The most reasonable and sensible light in which the clergy are here placed, comes from that modest and good man the Rev. Mr. Dodder."

"throughout the whole country, as which led to all sorts and sizes without distinction" "were obliged to be present for their general improvement! And what wicked creature would they think those men, who should endeavour to defeat the purpose of so divine an institution?"

"I never can get over, before I could have learned to myself any view of such engagements as these I have done fall into, that respect to clergymen and their property are essential to the good of society. Give me leave, Mr. Speaker, on this occasion, to read to you a passage out of a little Tract called 'The Christian Hero,' the sixth page, speaking of the conduct of the Christian slave, and persons who assist the clergy, read thus

"But alas! to stand in an earth tainted with sin; for there are earthly and narrow souls who are deeply involved in the prosperity of the priests and members of the church in the enjoy, and object to them the services and attentions of the primitive believers. Light and superficial men! are seeing that relief is a much more dangerous disposition than that of poverty. Thus we appear as a tree, that we run in as a brand; and as money does us harm more than really in an evil hour does a blow. But since the necessities, calamities, and losses of life which the clergy enjoy, are so great an offence to their dignity, they are the more engaged to hold them dear, for they who envy a man what he has, would certainly scorn him without it. Where therefore they are both as good and bad become a rewardable to them, may they always offend with their happiness. For it is not to be doubted, but that there are bishops and governors in the Church of England, whose devout hospitality, meanness, and charity to their brethren, will place them in the same measure with the most heroic piety, wherever the outside of their manners, and where that the external pastor has given his worldly blessings are hands by which he appears these distributions; and will become upon as great and exemplary spirits, that can conquer the difficulties and inconveniences of wealth itself."

"I have carried this inclination to the advancement of virtue so far, as to permit it even in things the most indifferent, and which, perhaps, have been thought foreign to it. To give you an instance of this, Sir, I will mention a Comedy called 'The Lying Lover,' which I wrote some years ago, the Preface to which says,

"Though it ought to be the care of all governments, that public representations should have nothing in them but what is agreeable to the manners, laws, religion, and policy of the place or nation wherein they are calculated; yet it is the general complaint of the more learned and virtuous amongst us, that the English stage has extremely afforded in this kind. I thought therefore it would be an honest method to attempt a comedy, which

"might be an improper entertainment to a Christian Commonwealth."

"Mr. Collier had, about the time when this was published, a quarrel against the managers of the Stage. I was just as I had then, for one of my men, upon whom he had been employed, a great admirer of his work, and took care my men to write a comedy to this purpose, he required. In this play I mean the spark to have killed a man in his drink, and looking himself in prison the next morning, I give him the question which he ought to have on that occasion. It is needless on this circumstance that the Preface for his says as follows.

"The struggle between temperance, and the natural power between an only child and a weaker father is that doctors, are perhaps an injury to the rules of comedy, but I am sure they are a justice to those of morality. And passages of such a nature being so frequently applauded on the Stage, it is high time that we should no longer draw ourselves out with those things which the religious all our country tells us we ought to trouble as well as ours—that her most excellent majesty has taken the Stage into her consideration, and we may hope, from her gracious influence on the stage, that we will receive from us a comedy, and that by being encouraged in the business of virtue, it will strip vice of the gay habit in which it has too long appeared, and cloth it in its native dress of shame, contempt and dishonour."

"I cannot tell, Sir, what they would have me do to prove me a hypocrite, but I think I have appeared not even in so trifling a thing as a comedy. And considering me as a comic poet, I have been a martyr and confessor to the church; for this play was damned for its poetry."

"I shall in the last place, Sir, with your allowance, quote some passages out of another book, printed, 'The Taster,' the first of which is in the 31th page of the first volume, published in 1710 as follows."

"Wid's Coffee-house, April 30 1710.

"This work being moved to body this morn, and no public demonstration allowed, there has been no more of even here, a whole treasure, call it" "A Project for the Advancement of Religion, dedicated to the Countess of Berkeley." The title was no secret, and granted to popular a way of thinking, that every man has been read it, and as many as have done it have approved it. It is written with the spirit of one who has seen the world enough to understand it with good breeding. The author must certainly be a man of wisdom as well as piety, and have spent much time in the study of both. The real causes of the decay of the reform of religion, are set forth in a clear and lively manner, without any tedious parade; and the whole air of the book, as to the language, the instances and the manner, show it was written by one whose ex-

"Written by Mr. Seale himself.

age an error about him, and in whom was so thoroughly contemptible. It was said by one of this company, speaking to that knowledge of this world the author seems to have, 'The man is not much like a gentleman, and gives me little to wish a very good man.'

'The pretension I have intended was Dr. Gash, the first of men I thought him at that time. We have not news of late, but I hope he deserves that character well.'

'The second passage which I shall cite out of that work, is in the 125th and 127th pages of the second volume published the same year 1710.'

'The Dean we heard the other day together was auster. He has so much regard to his congregation, that he comes to his ministry what he is to say to them; and has so much and guarded a behaviour that it must almost give offence. His person, it is so he considered, is so small and unbecoming; but he is so highly sensible of his duty, that he has that advantage, and adding to the property of speech (which might give the criticism of Longinus) an accent which would have been repeated by Demosthenes. He has a peculiar force in his way and his manner of his discourse, which would not be intelligent learners of his discourse, were there not explanation as well as grace in his action. This art of his is used with most exact and honest skill. He never attempts your passions till he has examined your reason. All the objections which by one form are laid open and destroyed, before he uses the first vengeance in his reason; but when he thinks he has your heart, he very soon wins your heart; and never proceeds to show the beauty of holiness, till he hath convinced you of the truth of it.'

'The third passage which I shall cite from that work, is taken out of the 128th and 129th pages of the same volume.'

'This matter is considered for this paper, but I can't see what injury it would do any clergyman, to have it in his ear, and believe all that is said from him to be a sort of civility, and to be drawn out of him. I dare say Dr. Gash has very few of these losses. Learning, as the motto of a chearful superintendant of the state of the church, is an undoubted defender of them. He protects all under his care, by the discourse of his students, and the example of his life. He uses strong measures with a man who hopes further from his children, and ministers in others a way of escape of sinners, by his various causes of the state. His voice and behaviour are the lively images of a composed and well-grounded sense. He is a claim for the freedom of the ordinary teachers among divines, but such who claim of distinguished reputation from eloquence, and reputation from a ruler. He is a person who is much to be feared, and teaches our students with an authority and command, that by his discourse his congregation must be a strong

'go to the discourse of nature, as well as to those of grace.'

'In due, in the last passage which I shall cite out of that work, is taken from the preface to the 1st volume, published in 1711, where it is said,

'When a man obtains from the good opinion and friendship of worthy men, it is much greater honour than he can possibly compile on any accomplishment of his own. One of the causes of that, which was given me by the gentleman above mentioned (with whom I have been very much conversant since I was at the university made account me for some delivery in behalf of the learned society, for the episcopacy of the Church and liberty of the people, Mr. H. H. I mention the only one who did not much against the importance of being moved rather by parts than by the whole; and I think it is apparent I have not much more than I have allowed myself to say. I found it, the only point is in my own defence from those for which I have dedicated my self. When my friends acknowledged to be Dr. Gash, and the amiable character of the dean in the 128th page, drawn for Dr. Gash, I hope I need say no more as to my parting.'

'So, I shall give you no more instances on this head, but shall give that instance which I have just now given, which is allowed to every body; that if my reasons should appear doubtful or suspicious in any one point, it may be confirmed by others which are more plain and fully expressed. So, since I have touched upon the word religion, I hope I may be indulged one sentence more before I quit this head, and of I speak as a fool, that you will bear with me. I have at several of my lectures repeated the manner of writing and religion, and have reason to hope I have been of some use to the public upon that account. Why may not these now play for me? I wish those who have written against me, and have contributed their utmost to bring me into my present affliction, may in their day of adversity have the same foundation for support in themselves, and then to your favour.'

'I now come, Sir, to the business which is the first and second page of the Crisis.'

'But now, by I know not what lucky, we are of late grown up, and our security for it' (speaking of liberty) 'is shown, in proportion to the danger to which it is every day more exposed, by the artful and open attacks of the enemies of our constitution. It is a strange idea in a house of commons to be in such a dangerous situation; and let the enemies of our present establishment believe the security which the laws of the country have given those who dare assert their liberty, and the tyrants that have persecuted against those who dare defend them. For whenever in the prospect before our eyes, it is the business of every honest man, to look up with a spirit that becometh honesty, and to do what he can for the improvement of our present condition,

"which nothing but our own partiality can make improper. The most dangerous circumstance in our affairs seems to be, that by the long and repeated continuance of our success, many are now into a kind of dream of their own strength, and think with pleasure of what is suggested in favour of military preparations. The third objection, however, of removing the proper sentences to the words of mine, for what they ought to express more, is to show that our power lies in it all the sentence of honour, truth, and justice; and that we are, by all the ties of blood and man, intended in a condition of enjoying religion, life, liberty and property, secured from the most imminent danger of having them all for ever depend upon the arbitrary power of a papish priest."

"I must here beg leave, Sir, to read the two or three following lines which are not marked, because they explain the latter part of the last paragraph, and show in what these words are applied, where it is said, 'That we are by all the ties of blood and man, intended in a condition of enjoying religion, life, liberty, and property, secured from the most imminent danger of having them all for ever depend upon the arbitrary power of a papish priest.' The following paragraph, which describes these words, runs thus:

"We should have been pleased down in this subject, considering, as the wife of the late King James, had not God Almighty in mercy given us the late happy Revolution, by that glorious instrument of his providence the great and invincible King William."

"And now, Sir, can any one say, that we were intended in a condition of enjoying religion, life, liberty, and property, by the late happy Revolution? Or that we were not before in the most imminent danger of having them all depend upon the arbitrary power of a papish priest? I appeal to the acts of parliament quoted in this book, and might appeal, as I was told, to a report of the gentlemen of this kingdom, under the reign of King James 2, made to that House by Paul Foley, esq. a father to the gentleman who has so remarkably distinguished himself against me this day. This report, as I was told, explains by a multitude of instances, drawn up in the strongest terms, the several particulars which I have here just touched upon. If the House thinks fit that I should in this place have the assistance of the father against the son, I will desire that that report may now be read: Or, if that be not thought fit, shall go on with my defence."

"And here, Sir, I think I may save you a great deal of time, by laying down a general rule which every one will agree, ought to take place in the period of my writing. That

"In this Mr Steele was strengthened, for there did not upon examination appear any such circumstance of Paul Foley, esq. but he was a very worthy man, though, false to the space I should."

which I shall insist on is this: that if an author's words, in the clearest and most unperplexed of them, have a meaning which is improper, they cannot without great injustice be understood of another meaning which is criminal. If the same expressions may be applied to different persons, and according to circumstances may be construed in any one sense or in any position, why should any reader be applied to that one, when they may equally be applied to such a number of men capable of incurring censure? Then, Sir, what I insisted in the paragraph I have just read, 'That we are by all the ties of blood and man, intended in a condition of enjoying religion, life, liberty and property, secured from the most imminent danger of having them all for ever depend upon the arbitrary power of a papish priest,' why must all these and the like expressions be applied to a monarch, when there are such numbers of papish Catholics, Jacobites and non-jurors, to whom these expressions by a natural and correct construction are very applicable? Does not the suggestion of such an insinuation, reflect highly upon a monarch who has given no occasion for it? Is a man who is so, who speaks in plain and open terms against the enemies of our constitution and country? or, is it impossible to make use of those words, without qualifying under them, persons whom it is criminal to attack? By this way of arguing, it is not in the power of words to be free from unreasonable hints and insinuations. Thus, Sir, in the next paragraph, where reason is made, of 'indirect arts and means solicited practised to weaken our resources' are not these words as general as possible, applicable to insinuations of open enemies and dissatisfied persons, both in foreign dominions and in her Majesty's kingdoms? or will any one say that indirect arts and means solicited can be practised only by one man in the kingdom? When there are two different interpretations to be put upon any expression, will any gentleman of candour and fairness regard that only which comes gain is it? especially where the interpretation which must render such expressions criminal, is indirect and forced, whereas the other that renders them innocent, is direct and natural? I shall, after this, beg leave to read, in this light, the next paragraph marked in the Crisis, p. 2.

"I flatter myself that if the passages which I happened to choose, the resolutions of the nation themselves, and the just protestant made from time to time, against our fellow into the same doctrine, were fairly stated and laid in one view, all indirect arts and means solicited practised to weaken our resources would be frustrated, and vanish before the glorious light of truth and reason."

"I cannot conceive why the other paragraph that follows page 14 and 15, should have been marked, since it is no crime, nor any way tends to sedition, to speak in honour of parliament, or to point out the perjury which it is."

"I shall not govern myself, on this occasion, by the partial religion of particular persons or parties, but by the sense of the whole people, by the sense of the House of Lords and Commons, the representative body of the whole nation, in whose constitutions, secured as in the deliverer state of things, the conscience of the kingdom, by those who led the glorious victory on us, has been demonstrated in plain, manifestly and patently, confirmed."

"The next paragraph is the Crisis, p. 37.

"And all this while there does an unexpressed manner, which is to prevent and place arms, against them, but think that our paper or our other parts, who have been of better help, but is writing and speaking against the necessity of the arms of these houses in the government here, and cannot possibly plead ignorance of these things, must have some accountable encouragement for these expressions."

"I have say that those who write or speak boldly and knowingly contrary to the sense of acts of parliament, which I have before cited, and which are now as laws, must live some accountable encouragement for their support, and the reason is very plain, because such a person is derived liable to the most grievous penalties who does not or speak after such a manner; But whether this encouragement comes from the Pretender himself, the French court, or the duke of Lorraine or Savoy, whose interest it may be to give them such encouragement, I do not pretend to determine. And I hope it will not be said that I do pretend to account for such an encouragement which I do here plainly declare to be unreasonable."

"The two next paragraphs are only a narrative or relation of matters of fact, which I considered I might set down with that liberty which is allowed in the most common news writer. Here they follow.

"If the beating the drums in the field, and bringing together for their exercise foreign troops, were selected means towards ending the war, and reducing them to a condition fit for giving fresh disturbance to Europe, the duke of Marlborough took great measures. But, however unreasonable it may appear to posterity, that general was not permitted to employ the force of his glorious talents. But, as France changed her generals for want of success in their conduct; as Britain changed hers, after an uninterrupted series of conquest. The minds of the people, against all common sense, were debauched with impressions of the duke's assistance of prolonging the war for his own glory, and his admirers attack a reputation which could not well be secured, without subjecting the glory of Great Britain itself. The measures were not to be followed by that consideration, he is deceived, and thus after a cessation of arms between Great Britain and France, established at the head of the army. The British, in the midst of the

armies gathered, withdrew themselves from their confederates. The French, now no longer having the British, or other great leader to fear, affect no more strong garrisons and fortified camps, but attack and rout the rail of Gibraltar in Demos, and necessitate the brave prince Eugene to abandon Landover, a place of such importance that it gave entrance into the heart of France. Of which the French king was so sensible, that before he was recovered from his flight, he withdrew his army as a matter of course, to the suspension of arms between him and Great Britain. The suspension is followed by a treaty of Peace at Utrecht. The Peace concluded between Great Britain and France, and between France and the States-General. The emperor and the empire continue the war. I shall not presume to enter into an examination of the articles of Peace between us and France, but there can be no crime in assuming it to be a truth that the house of Bourbon is at this juncture become more formidable, and both fatal to an universal monarchy, and to ruin the whole trade of Europe, than it did before the war.—All the world knows with what frankness the Dutch have been treated to deliver up Trumbach to the imperialists, as an expedient for the French to besiege it; because Trumbach it lies convenient for their march upon the empire. This extravagant demand must give a deadly prospect to other nations."

"If it be a crime to speak honestly of the duke of Marlborough, it is a crime that I must always be guilty of, and it is this wickedness of denoting me a master up of sedition, declares me to be a lover of my country. If I am rightly informed, that great man, when a conversation relating to him was under your consideration during the last session of parliament, was restrained in this place, not only with deference and respect, but with the highest encomiums by the most eminent members of the House. And I hope the most private man may take the liberty of expressing his gratitude to the duke of Marlborough, since there is no private man in England who is not obliged to him. Those who are represented as his admirers and enemies, are only those who will always be so, I mean such who are friends to the Pretender and the French king, whose hopes he both often and gloriously defeated. If any one questions what I have said concerning the French king's letter, upon the raising of the siege of Landover, let him read that letter, and see what other interpretations can be put upon it."

"The last Sentence of this Paragraph I think defends itself, and is founded upon this reason, which I fancy no person will deny, That it is not a crime to speak the truth. Here is what follows in the 31st and 32d pages of the Crisis.

"The most important article between France and England, is the dependency of Denmark; which they have begun to negociate and

"arbitrarily their own way. The male and barbarous, which only are detestable to us, are yet unmatch'd; and just vengeance gives that they ever will be."

"Sir, I always profess my own private sensibility to that of my country; and therefore necessarily wish that I lay open to the censure of the House the whole of my own reasons. I say, my, that I hesitate with, though I regret less, faced the worse for it at this time, that the event did not justify those apprehensions, which I have here, and in other papers expressed, in relation to Denmark. I have regulated my thoughts on that subject, by the treaty of Peace which has been published for the perusal of her majesty's subjects. It was chiefly concluded, that the male and barbarous should be first demolished. But instead of this, the French (for it is there I lay the blame) have only demolished the two islands towards the land; and thus as I have said in another place, the queen's garden is exposed, by leaving the works, to the mercy of the French, and the male and barbarous, which were first to be demolished, stand as they did. Will any one say that this proceeding of the French, or conformity to what was stipulated by the articles of Peace, is not begun contemptuously and arbitrarily their own way? The late stipulated by the same treaty for the demolition of the male and barbarous, is long since shap'd; and no longer more than a week ago, as I can prove by incontestable evidence, they were actually repairing that very male, which should have been long since a heap of ruins. This and many other reasons which I forbear mentioning upon this, I hope, explain what I have said in this paragraph, to every gentleman's satisfaction. Here is that which follows marked in the Critic, p. 38.

"London and Fribourg are taken, and in case there is no intermediate Peace, which may be more immediately said to us, 100,000 French may be ready in the Spring to invade the empire, and reduce the greater of them to his forgotten dominions."

"Will any one say there was no danger to be apprehended from a Peace, which was treating, according to our public accounts, without her majesty's interposition? and when we had reason to fear that her majesty's ministers had no opportunity given them of promoting any thing in it for the good of their country, as not being let into the secret? Have not our public prints told us, that England was not mentioned in the Treaty? Do they not speak of private articles, reciprocal compensations, and several other particulars, which prove that the apprehensions I have mentioned were not altogether groundless?"

"The next paragraph is only matter of fact, and an inference thereon, which cannot be controverted. Here it is.

"These incidents happen when the capital of Austria, the residence of her imperial majesty, is called with the plague! The male and barbarous of that House is likely to terminate in

"himself; and should it please God to take him off, and as long of the Roman church, a provision for the House of Austria would be made for the imperial dignity; after which, however, Europe would be poor."

"There is the paragraph that follows.

"But the worst is not yet heard; Portugal, while moving the war, supplies some of the power of Spain, by sending constant quantities of gold to the king; he can neither maintain it, nor only to prevent a suspension of it, nor for its profit it is, which may make it possibly but no longer than till the Catalonians are reduced; and who knows but the old pretensions of Spain to Portugal may be then renewed? I am sure the Catalonians, but who can move the Catalonians without a war? Brave unhappy people! driven into the war by the encouragement of the maritime powers, from which only a nation derived power by land by France and Spain could hope for relief and protection, now abandoned and exposed to the treatment of an engaged power, whose persons and interests they have always opposed, and yet still so fond of their ancient alliance, that though bound up in a snare of blood by the terms of the two crowns, and closely besieged in Barcelona, they cheerfully, like their countrymen the French fugitives of old, to perish with their wives and children, than live in slavery. Did the French king with a conquering sword in his hand, ever abandon the least and most respectable of all his allies? No. When some very Considerable had moved him across the king of Spain, he did not give up his power of treating, till he had made the most irreparable mistake as for them. Not a single man except them was then hurt, either in his person or privileges; but now—poor unhappy Catalonians, worthy of a better fate! Good and gracious God! To whom shall he attribute the loss of this brave people? Detestable the doom of those who dwell in thy sight in unnumbered their destructions?"

"I take it a loss which would whether the gentlemen marked out this paragraph for taking pity on the poor Catalonians, or for having spoken liberally of the French king. Common humanity will, I hope, be my excuse for the first, and I shall wish to that gentleman's known good nature to pardon me for the latter.

"But here the gentleman looks as if he intended, and has indeed said a word which that is contrary, he is very angry with me, not for any thing I have said, but for something I have not said—or rather, because I have not written what he would have had me write. But if the gods look on always and my words are true, I must confess I do not know how to please him.

"Sir, I must add I have to adding the politeness of this honorable house, in explaining these particulars, especially where I think they do not very require themselves to any impartial and very respectful notice. As for the remaining part of the Critic which has been marked, I

have examined a very carefully, and am very much surprised to find that the passages in which are here given any manner of offence. The greatest part of it consists of finished quotations out of history, that may give an elegant and proper, and of a paper's account, and several other arguments drawn from the House of the House of Commons, which are the same which have been made out of against it since the information. There are also several instances from the present situation of affairs in Europe, that may contribute to strengthen our resolutions in the defence of the present situation as established by our laws. I have declared again and again in this part of the book as well as in several of the foregoing parts of it, that I could not find anything but a due statement in the law, of the law, and a vigorous execution of ourselves in the defence and preservation of them. Whatever was said or spent I have endeavored to expose my readers with, I have declared over and over, that it is for the maintenance of those points which are established by acts of parliament and the law of the country. I must confess, sir, that I am very much at a loss to imagine why our honorable friend has laid his finger upon these passages which are so manifestly written in favour of our constitution, and in opposition to popery and the Pretender. He must have entertained a very mean opinion of a British House of Commons if he could think that such passages would bring their displeasure upon me; and I am very persuaded that if gentlemen will be pleased to hear them with attention, they will be more apt to conceive an indignation against that person who has charged them inaccurately, than against him who sent them. I shall only beg leave to take notice of one particular passage in them, because it is a full answer to an statement made against me by one who spoke at a former debate relating to the subject. That honorable member was pleased to say that I would impute the pretensions of England were against the Pretender. Secretaries in the House of Commons. Were this my thought, Sir, I would give up that cause as desperate. I say, Sir, if the gentlemen of England were against it, all that have any body who could do so, would be ineffective. But, Sir, to show you that I could not be so weak and unjust as to make that weak suggestion, I beg leave only to read these following words—"As directed a people to us, those who are for the House of Commons are infinitely superior in number, wealth, courage, and all other qualities and virtues, to those who are for the Pretender. With that honorable person was, that the gentlemen of England do not fall within the description." So, my friends, how this day it is the gentlemen of England, who are above being possessed by any false reports which are made of me, or by any wicked men who might have an influence upon some of least and weakest minds. (See, Sir, I am going to read to you the remaining part of the Court,

as I find it reached upon your table; but what having spoke thus much of it, I shall leave it to the good gentlemen."

But to bring these several facts and circumstances home, we must observe that the person who seems to be the most interested by this. The only king in the late treaty, is the Duke of Edinburgh, who is made King of Sicily, and considering also the enlargement of his territories on the continent, by custom from the map, not as because it is a most powerful prince in Italy. This prince put in his claim to the crown of England, in the right of his wife, a daughter of the late Duchess of Orleans, and thus late King Charles the second, at the time of writing the crown of England on the House of Hanover. This prince, a man of a great address and capacity as my friends being, is supposed to have entered into a secret and strict alliance with the House of Bourbon, and my friends very well add to our fears of a papal nation. Things standing thus, and the House of Commons being in the actual possession of France and Spain, leading her for the conquest of Germany, or in great and good understanding with us; what have Great Britain and Holland to hope from, but the mercy of France? What else have we to prevent us Pretender's being imposed on us, when I cannot think Sir, say, in favour of our Pretender, he has in his power a succession of them, the daughter of Sicily, or her son, or the Dauphin her grandson. The last named cannot be many years from the throne of France.—In the next place how are we disposed to hear for the reception of such an attempt? The possession of every, which we are raised to high by an impetuous suggestion of the church's danger, seem to have subsided into a lethargic insensibility for every thing that is heretofore was so anxious to us, how, really they have been imposed upon, and instead of reasoning Sir, please, are willing to overlook it, with a certain reluctance against being moved at any day, Sir, look they should fall into the temptation of being misled a second time. Many who are never being blinded by papal's noise and outcry, yet seem to think the words and seal of a public spirit to be quite better than a complete loss of brain. Reasonable heads truly distressed amongst us, that have apparently struck on the Pretender, are sometimes in the House of Commons, have passed almost without observation from the generosity of the people, while others have been published about the birth of a certain prince, which certain person every body seems to be intended for the Pretender; the Author of the Constitution of the Alton has dared to drop insinuations about among the heretics, and a late treasonable book, on the subject of Heretic

"* This is a married because started in criminal, but not delinquent, and, or further spoken to by the accused member."

"very Right, has published the will of King
 "Henry the eighth, which seems to be in-
 "tended as a pattern for the like purposes.
 "The conversion of the Pretender to our reli-
 "gion, has been occasionally rejected, and con-
 "sidered, not only to the kingdom it met
 "with among the wick fools, who put that gross
 "story abroad. The unhappy prince, whose
 "will the Pretender calls himself, is a monster.
 "His instance, how much such conversions are
 "to be depended upon. King James, when duke
 "of York, for a long time professed himself a
 "Protestant, and even not long before his ac-
 "cession to the crown, several persons had ac-
 "tions brought against them for saying he was
 "a papist, and excommunic charges given and
 "received, in a word, from the practice of all
 "papists, that have come to protestant thrones,
 "open pretence of embracing the reformed reli-
 "gion, we have reason to believe they have
 "disengaged from Rome to persecute any
 "thing, for the service of that church. A papist
 "prince will never think himself obliged by the
 "most solemn, even the sacramental oath, to his
 "Protestant subjects. All oaths are as un-
 "binding and as soon forgotten, as the services
 "done by such Protestant subjects—King
 "James, when duke of York, was perceived
 "from the bill of exclusion, by the church of
 "England, and particularly its bishops; when
 "he came to the crown, the church was soon
 "tainted and corrupted by him, and her pretence
 "committed to the Tower. Has not a single
 "hearing prince cruelly treated and branded
 "his Protestant subjects who preserved the
 "crown on his head? Did not the princess
 "Mary persecute the men of Suffolk, who joined
 "with her against the lady Jane Grey, that she
 "would make no situation in the religion estab-
 "lished by her brother King Edward the sixth?
 "And yet as soon as she came to the crown,
 "by the massacre even of Suffolk men, she
 "filled all England, and in a particular manner
 "that county, with the flames of martyrdom. The
 "crucifixes of that reign were such, that mal-
 "titudes of men, women and children were burnt,
 "for being unwise professors of the gospel of
 "the Lord Jesus. In short, nothing less than
 "that can be expected from a papist prince.
 "Both clergy and laity must share the same
 "fate, all universally must submit to the very
 "trial, as resources their religion. Our bishops
 "and clergy must all lose their spiritual prefer-
 "ments, or submit to antichristian tyranny.
 "And should they submit to every thing they
 "must notwithstanding part from their wives
 "and children, which, according to the church
 "of Rome, are heretics and apostates. The
 "lady, possessed of lands that formerly belong-
 "ed to the Roman Catholic clergy, must resign
 "their estates, and perhaps be made account-
 "able for the profits received—What can be
 "more mischievous than to reflect upon the bar-
 "banous credulity of papists beyond all exam-
 "ple? And these not accidental, or the sudden
 "effects of passion or passion, but the estab-
 "lished results of their religion and their conse-

"quences. Above 100,000 men, women and
 "children were murdered on the massacre of
 "Beaumont. How lost and terrible were the last
 "persecutions of Protestants in France and
 "Spain, I shall suppose were the measures of
 "the Protestants through the whole kingdom of
 "France when they were under the persecution
 "of the three kings of that country! How ter-
 "rible, in a particular manner, was the mas-
 "sacre of Paris, at the command of the king of
 "Navarre, the French king's grandfather, a
 "Protestant, with the sister of Charles the sixth,
 "where the famous trial of Protestants, the great
 "Coligny, the glorious warrior of the Protestants
 "interest, was shamefully murdered, and the
 "body of that hero dragged naked about the
 "streets, and then by the direction of the king
 "himself, who had but just before sworn that
 "charity given him, from his own mouth,
 "assurances of his protection. Ten thousand
 "Protestants without distinction of quality, age
 "or sex, were put to the sword at the same
 "time; the king of Navarre himself narrowly
 "escaped the disaster, his mother the queen of
 "Navarre having not long before been persecut-
 "ed by the same faction. There are some ex-
 "amples of what must ever be expected. No
 "obligations on our side, no humanity or com-
 "passion for them, are of any weight;
 "their very religion forces them, upon pain of
 "damnation, to forget and control the former,
 "and to extinguish all remembrance of the latter.
 "Good God! to what are they reserved, who
 "have nothing to expect but what such a reli-
 "gion can afford them? It cannot therefore be
 "too often repeated. We should consider,
 "over and over again, that should the claim of
 "the Protestant succession be once broken in
 "upon, though the Pretender should be laid
 "aside, the next of the blood royal is the
 "duchess of Burgundy, after her, her two sons;
 "after them, the present dauphin of France;
 "the next in succession to him, the queen of
 "Spain, and her heirs; in default of them, the
 "duke of Orleans, and his heirs, and next of
 "the other princes of the blood of France, all
 "papists, who may be enabled to demand pre-
 "ference in the house of Hanover; so that be-
 "sides the probability of the kingdom's being
 "united to, and made a province of France, the
 "train of papist princes is so great, that it can
 "should not surprise the most attentive of
 "our religion, laws, and liberties, the next world
 "certainly do it—And here I cannot but add
 "what is full of more importance, and ought to
 "be the most prevalent of all arguments, that
 "should there be the least hopes given to a
 "Papist successor, the life of her majesty will
 "certainly be in most imminent danger, for
 "there will never be wanting bloody models of
 "that persecution, that will think it necessary
 "to take away her majesty's life, to lessen the
 "accession of such a successor to her throne.
 "The only preservation against these mischiefs
 "are the laws before mentioned relating to the
 "attainments of the imperial crowns of Great
 "Britain. Thanks be to heaven for that settle-

' will have no need to keep them up, but employ all men according to the law makes them quitted, and their wives and parts make them fit. But if several ministers, and apostles, and hermits shall will continue our prisons for the Government's violence and possibly hath done more to discipline them, than to take off the rage, then she will be all else, that her cross is not to be sunk down to be a picture of sufferings, so as to take those to be her friends and the other enemies, but that she is our both, and will use either in their ways, according as they are. Thus for the service she hath further on that time. And for those who shall dare to speak and respect the rules as enemies, they are tyrants, phantoms instead of friends; and our bar of her best treasure, which is the love of her people.'

"I have heard some exceptions taken to the two or three lines of this paragraph where I say, 'If God spares the good queen's life from such severe attempts as we have so much reason to fear.' but as to that passage, I think it is sufficiently explained by a paragraph which I shall beg leave to read in the 26th page of *The Crisis*.

'And here I cannot but add what is still of more importance, and ought to be the most prevalent of all arguments, that should move the heart before goes to a Popish Successor, the life of her majesty will certainly be in more imminent danger: for there will never be lasting bloody union of that princess, that will shut it nevertheless as take away her life, or hasten the accession of such a successor to her throne.'

"The remaining part of this paragraph, is nothing else but the picture of an excellent prince, who notwithstanding the suggestions of unreasonable men, will still maintain in her the character of the best of sovereigns, by showing herself the mother of all her people. If any records can possibly be found in this paragraph, it can only affect those who would reflect her royal heart to make an unjust distinction among her subjects.

"The next paragraph is in the 4th page of the quarto edition of *The Englishman*, in these words.

'I must the more upon these Revolution principles, (as they are scornfully called now-a-days) not only because there never was more need of them than at this time, but because the best and greatest part of the clergy (especially those placed in eminent stations) have in all ages, as far as relates to our nation, and as far as we need ruling, suffered us, been ready and hearty enemies of the poor, rights and properties of the people; and why the whole body should not be now, is just my comprehension.'

"I say just my comprehension again, because by this paragraph, the reasons have been so handled, that I speak derisively of the clergy, but how he will be able to make this out, I am not so amazingly given to that point of view, and a presumption that their

future will be conformable to it, is just my comprehension. I suppose he will not deny notwithstanding his own and unparaphrased expressions for the clergy of the Church of England that there are among them, some enemies and enemies of hereditary right, as appears in the laws of this country.

The following paragraph in the next page concerning Dissent, has already received its answer. Hear it.

'Toleration is religion, at this day it is a more dangerous condition as to England, than it was when I wrote about the importance of it. For I intended upon the destruction of the unity and kingdom, and instead of that, they have, as exactly, as at Mr. Teggler's funeral had been the direction in this way, demolished the works, and left the harbour, its shoals, and all its accounts that concern us, our safety and our trade, in good measure lost: that is, they have destroyed the works in possession of the British nation, to make that person useless, and put off the destruction of the harbour until time shall serve.'

"The three next paragraphs are now taken out of page 18, and are only extracts of fact, which may be proved out of several books and addresses, as well as from common documents, in which I dissent every gentleman in this House has been a witness. I shall therefore appeal from any little sophistical curls which may be made against them, to the honour and integrity of those gentlemen before whom I have the happiness to address myself. I will only read them, and appeal to every gentleman's own conscience for the truth of them.

"That is not all; for before this ran upon the bank, a man was thought to repeat any word that would say, that for the better comprehension and explanation of British measures, it was absolutely necessary to give both Spaniards the friendly House of Bourbon: but that a great measure should be rejected by resolution, as one that was for his own, rather than our interest, it would be unpardonable to keep a check upon him by demolishing all our ships. For our friends were ready willing ourselves and to protect all our money on liberty and property, one might say lately have said, the dignity and authority of parliament could not be better strengthened, than by placing a despotic power in the members—We have so little public spirit amongst us, that these things passed like our theoretical truths, and such men grew afraid for his own pocket.—A man who was weary before the resolution, for the public welfare, and has observed nothing more that pains us in a deeper condition; a man, I say, who does not hearing the news contradicted, that the Pretender was a cunning, cunning wretch that he may not will come, ought to be rewarded for saying as I have said, so much as he believes. Subjects a just concern for their civil and religious rights, which they are justly entitled to above all other nations.'

"The next paragraph is taken out of the 10th and 11th pages of the same book, and as it goes to Dublin has been already explained (Jan. 11).

"The queen's garden is exposed by inviting the world to the survey of the French and the Irish and harbour, which were then to be demolished, stand as they did, the terror of the British nation. Thus, Sir, as the interest of her majesty and her people are inseparable, I think I have beheld myself like a faithful subject, in explaining of this age, the value of her treaty in the most important article of it.

"I am now come to the last paragraph, on the 12th page of the same book, as follows.

"I wish, clearly, That his electoral highness of Hanover would be so graciously as to signify to all the world, the perfect good understanding he has with the Court of England, in so plain terms as her majesty was pleased to declare the land with that House on her part. This last circumstance, dear Sir, would be a pleasing to all of us who are christians, because if the elector should be any way dissatisfied, I am confident her majesty has given us cause for it, and I cannot but suppose any misunderstanding, if such there should be, in the articles of some one covenant, who, no doubt I know, will still be truly generous in their hearts."

"I do not know whether I have been more troubled or surprised, to hear a gentleman affirm that these words, by an orator, constituted what her majesty had affirmed from the throne. This assertion may be put in such very bad words, as may induce those to be displeased with me, who afford more to the orator himself, than to the grounds I have given for it. The gentleman who brought it against me, would certainly have stopped in the middle of the paragraph, had not he been put upon leaving that which read not; whereas I positively assert that if the elector should be any way dissatisfied, I am confident her majesty has given us cause for it. I say, Sir, I have positively asserted in the words which immediately follow those which were objected to me, that if the Elector of Hanover should be any way dissatisfied, I am confident her majesty has given us occasion for it. And the reason why I was so positive on this assertion, is because her majesty, as I before said, was pleased to declare in plain terms, that she had a perfect good understanding with the House of Hanover.

"And now, Sir, is there a fault, after this, in saying that his electoral highness would be so graciously as to signify to all the world, the perfect good understanding he has with the Court of England? It is certain such a declaration in this would give the mouth of all her majesty's subjects upon this important article, and who should be crossed as we to wish for this, which would so manifestly redound to the praise of our country? Let every gentleman ask his own heart, whether he would not

be glad that the elector made such a declaration as is here mentioned. And shall any man be so mean as to offend for wishing that which every man would be glad of? If there be any reflection on this passage, it is plain that it does not fall upon her majesty; and I cannot not but that as a point of this nature, gentlemen will be as just as to keep my phrase and express words, and not to force a guilty interpretation upon a passage which has a natural interpretation even that is innocent.

"I have now explained these several paragraphs which have been led to my charge, and that in the shortest manner I was able; reserving to myself the liberty of producing any further reasons, for the defence of any particular passage, on the objection of any names, and my own justification shall further appear.

"I must desire, Sir, that upon the perusal of these paragraphs which have been quoted against me, I have been thus, pardoned to know why I ought to defend them, then how they ought to be defended? And I dare appeal to any gentleman who is used to read pamphlets, whether he has seen any of either side for some years past, that have been written with more civility, or more thoroughly guarded against giving any occasion of just offence.

"Upon the whole matter, I do humbly conceive that no words which I have made use of can be construed as derogatory, in the candid and natural interpretation of them, and can only be converted as such by distant implications and far-fetched conclusions. I shall therefore beg leave to produce the authority of a very great man, with reference to annotations of the nature. Since it is impossible for me to express myself with so much judgment and leaving upon that subject, as I had it already done in my hand. The passages I mention, are in the Speech of the new Lord Chancellor of England, and I find there is Doctor Boucher's Trial, in the following words:

"My Lord; if there be a double sense, in either of which these words are equally capable of being understood; if it is one sense the Doctor's conversion be unalterably true, but in the other some doubt might arise whether his words be criminal or not, the law of England is more merciful than to make any sense a criminal, by construing his words against the natural import of them, as the words mean. This is the great justice and delicacy of our law in every man's case." And a little lower.

"My Lord; if the manner of this solemn Prosecution has not altered the nature of things, I hope I may trust, without putting in a claim of right in behalf of all the honest men and addresses, people in the Kingdom, to revise the government at pleasure, that by the happy constitution under which we live, a subject of England is not to be made criminal by a dishonest construction of his words, or, at least that cases of crime, by depending upon his words, and choosing to be meaning. The many instances there were of

and the business was, that he should be punished; and as they well knew from the general corruption and measures of the court, that in the crimes did not distinctly hurt every sort of people, they would not be venial enough for the sake of the queen's rest, so early and distinctly the accused man. But the Commons, say they, he says is in danger 'under her majesty's administration?' the phrase is unbecoming, and evading, it returns the effect against the queen, only in such manner. This is a way then weak, for it is no help to them; if any man should, in a proper place, have any thing to object to their conduct; it would be an answer to urge against such an impeachment, that this was asserting all things are done under her majesty's administration. All manner of crimes are committed under every prince's administration, but for that reason are those princes to be loaded with the guilt? We would a man that should complain of those crimes, be supposed to intend treacherably, or to assert that they are owing to his prince's administration? Should a man be robbed, and when he asked for a warrant against the offender he be answered by the magistrate, it is arranging her majesty's administration to report any such thing? If any expression may be added to any person and things, provided they add the words, 'under her majesty's administration,' approbation and blame to those that use them will be both alike, and 'safe, honourable,' or any other adjectives will lose their force, as well as the words, 'treason and scandalous.' It is very possible the worst design imaginable may be laid, under her majesty's administration, and her sacred majesty's honour so very impaired, as she, without disparagement to her wisdom it may be supposed, may not be conscious of all that passes. Therefore on this occasion, I repeat that the phrase 'under her majesty's administration,' is only a flat way of coming up to my intentions, and raising the populace with a show of what is not in reality.

But to proceed with the Evidence on the side of the offender. Taking the words of the constitution as they lie. It would be a contradiction to all Mr. Steele's past Writings, to speak in the disadvantages of the nobility and gentry. The war that the Tories brought upon himself, for signifying and expelling sharpers out of their company, is a mark towards them, that will outweigh that obligation, though it comes whence it does. That gamblers, knaves, and pickpockets are no longer the men of fashion, as they used to be, is good as air among people of quality as formerly, is much owing to Mr. Steele; that a dissolute treatment of a chagrin, as a chagrin, is less practised, either in the stage or in common conversation, is much owing to the warnings and rebukes on all such false and scandalous personages to quit, in the writings which the public has had from Mr. Steele. That an University education is reduced a necessary qualification to an English gentleman, and the least accomplished gentleman

these arts appear insolent, though of good use with them, is much owing to Mr. Steele. I shall say no other authors, transcribers, or publishers, under whatever name you rank him, that are made use of printed ink; that is, within the compass of these nations was so benevolent with less imagination than that of all their country is approximate.

All this is so clear and known as the sun's noon day. But it may be answered, though as to his former writings this may be true, yet under his publisher might grow too, and impostures, and conceits new thoughts of himself, from borrowed experiences of success, his correspondents; and without fear of good manners run into the errors of which his late works are used. I shall therefore give an account of the principal thing laid to his charge, which is 'the L. rev. and the German or of his late errors.'

Mr. Steele happened one day to make a visit to a gentleman of the Temple, who tell into discourse on public transactions; and complaining that dangerous malignants were every day thrown among the people, ended his discourse, by saying, That he thought Mr. Steele, from the kind reception the world gave to what he published, might be more instrumental towards curing this evil, than any private man in England. After much solicitation, the gentleman observed, the end seemed only to flow from more attention to the real obligations under which we lie towards the House of Commons; if therefore, continued he, the laws to that purpose were repeated together with a warm preface and a well timed parenthesis, it is not to be imagined what good effect it would have. Mr. Steele was immediately struck with the thought, and told him, that he hoped no good design would repay his toiling life through which in a few days or two, under promise of itself after the sale of a work, which would be every body's reading, should produce. This was agreed; and there is hardly a gentleman or male person in the pamphlet, which that gentleman did not put together, as useful and agreeable to himself, and delivered into Mr. Steele's hands to be published in the best and manner he should think fit. But Mr. Steele was not content with writing *The Crisis* on this plan, and writing each paragraph with the gentleman only, but he also was different papers to men of different talents and capacities, and with all their consent, according to the authority of the customer, Mr. Steele with his consent at his elbow put the last hand to what he published under the name of *The Crisis*. Very able men passed and approved every word of it. Mr. Steele therefore thought it a most necessary, reasonable and worthy action to publish it. The care and caution with which it was written grew sufficiently in that it much offended, and the author was not in the errors of passion brought to answer for the offence. But shall it now be said for it, where of all places is the world he ought to have been reprimanded and protected. But I will hence to a better De-

just done all this, which is: That the purpose is the last at the beginning of this Narrative, give their signature to the votes against the order. That the Map at the end of this Book is the state of the town of Dunkirk, and explains that the true design of the French was only to make Dunkirk stronger. Thus there are some errors in his company's Preface, and the list of lacunæ, concerning the Preface of *la Barbedue*, notwithstanding we have been invited upon and counsel'd our readers to be the most piercing searchers for that purpose our undertakers have not proved effectual, but he still continues and is maintained there. There are mistakes of *Dunkirk*, and the story of the *Princedom of Barbedue*, do strongly maintain the grounds all men ought to have for suspicion of being in imminent danger; to improve that suspicion has been the confusion in all the political writings of this author. That was written in June, will appear from the letter, & hence he resigned his office to my Lord Treasurer:

To the Right Hon. the Lord High Treasurer of Great-Britain.

'Bromwich-square, June 4, 1713.

'My Lord; I presume to give your lordship the trouble, to acquaint you, that having no business to serve in the ensuing parliament, I humbly desire your lordship will please to accept of my resignation of my office as collector of the Stamp Revenue—I should have done this sooner, but that I found the business was pressing without my leave in it,* and I could not be guilty of the weakness of engaging when I could not hold. But having heard this twice contradicted, I am obliged to give it up, as with great humility I do by this present writing. Give me leave on this occasion to say something as to my last conduct with relation to the last vote to go on, and to state you whatever I have done, said or writ, has proceeded from no other motive but the best of what I think. Truly, For merely as to my own affairs, I could not wish any man in the administration rather than yourself; who knows those that become just dependants with a greater liberality of heart than any man I have ever before observed. When I had the honour of a short conversation with you, you were pleas'd only once to signify to me That I should receive no other office, but to add, that if I would agree to you one of more value, which would be more convenient to me, you would favour me in it. I am going out of my particular

'dependence on your lordship, and will tell you with the freedom of an indifferent man, that it is impossible for any man who cherishes and loves any publick office, not to tremble at seeing his country, to its present calamities, in the hands of so daring a genius as yours. It incidentally should arise that should place your own safety, and your continuance in this greatness, in a balance against the general good, our all depends upon your choice under such a temptation. You have my hearty and fervent prayers to heaven, to divert all such dangers from you, I think your lordship for the regard and duty which you have to satisfy those who are, and wish you, with your country's safety, all happiness and prosperity. Hence my lord, your good friends with whom you will, while in business, you will want no friends; but if an adverse day happens to you, and I live to see it, you will find I think myself oblig'd to be your friend and advocate. This is talking in a strange dialect from a private man to the first of a nation; but to dissent only a little, I make a man's country to be a level with those who want a great deal. But I beg your lordship's pardon, and am with great respect, my lord, &c.

Richard Steele.

There is nothing here and like a miscontent, but like an injured man, who gave up every thing to the love of his country; where observations entertain'd such that, he was ready to force a tongue, the most intemperately double, to go through all appetites and discontents in the way to his duty. It has been frequently said in the writings of this publisher, that all men reason to the regulation of the will, and that is the only merit protected to in the Apology. The wit, the eloquence, the learning in his writings, the more may as it please give to others, but the appearance of done will must be ascribed to that publisher, and I repeat but again and again repeat, that there is no man on whom a country, with 'moderately' in it, could tell, from whose character it could be more remote. The writings excepted against were sufficiently demolished in the House, and nothing said in opposition to all that was urged in favour of the accused member. Therefore, as these attacked writings were innocent, and all the drift of his other writings unaccountably virtuous, what can any gentleman say to himself, or his country, for joining to so unreasonable a vote against him? Let any gentleman consider, if the vote had been proposed to take away that taxation, with what fervor would the whole assembly, except the managers of the treasury, have opposed such a project? But let any gentleman think me, and he will find, that this Resolution against Mr. Stolt's property in the House, and his good name in the world, was only the same injustice, in a new degree. Why then would they acquiesce their good nature and generosity, or Englishness, the natural heat of their country, of running in the aid of the absolutely to be made right, and then to permit, to

* "We are here," says the writer of the Life of Steele, in the *Biograph Britannica*; "that our author takes notice of the design to diminish him, which indeed he had reason to have apprehended long before; for he had frequently attacked the evil of *Gratuit* under borrowed names, and particularly in 'The Medley,' where the pleasant caricature of the Earl of Whiggam, &c. was written by him."

aided the managers of the treasury against their fellow members?

No man could help plainly seeing, that Mr. Baile in these writings had gone as far as he could with any safety to his liberty or life, and that he got into the House of Commons, for no other but to try some for the good of his debilitated country. And must the House of Commons insinuate this drop? There are many inquiries & parliaments in the House for being too obnoxious to the court against the people; but Mr. Baile is the first that fell there, for being too obnoxious towards ministers, in behalf of his country.

But he all that was done against him forgotten, and the memory of the service he, except the members themselves, were mentioned with the remembrance of themselves, but he those who were for an oppressed parliament, their fellow citizens, against as high an oppression as ever was added to the Legislature, he had in his dying remembrance. Many of these have taken care of that for themselves, by numerous votes, many of them, with the assistance of personal acquaintance, as well as youth, birth, and fortune are blossoming and growing in the parents of virtue and honour, the rest of them are men of the greatest talents in the realm, who are come to the exercise of honourable days, and have nobler projects in view, than to follow necessitous soldiers who are against an "Impotent Patient," who inspired, from the overruling force of the law he never ceased, with poverty and distress sitting in his face, to save his country out of a lethargy, a lethargy from which he never ceased to be in danger, and up to rising it was, at his very sight, added his way, and returned to his track."

"The plan of the *Crusade* was had and chiefly executed by the *Monks*, of the *James Temple*, and some few of a more noble nobility. Tenants, more skilful and more very large subscriptions for it." *Memoria of Baile, 1733* p. 14.

"Perhaps," says the *Advertiser*, "there never was in the annals of political literature a book more universally read, or so much the subject of conversation, as *The Crusade*, a work beloved by the public to be written by our Richard Steele. To prove that our Richard was not the author of that celebrated performance, the following letter will not only convince how the world was at that time deceived, but discover the real author, and his motives for a temporary concealment of his name and profession. The letter is addressed to the late Lord Mordaunt, then Lord Chamberlain."

My Lord; June 6, 1714.

I was partly encouraged by Mr. Selwyl, General, but chiefly by your lordship's letters, and your kindness, to publish by my own hand, before you, and to beg your lordship's patronage.—With the permission of the King,

Mr. Selwyl recommended for offering a *British Speaker*, March 22. The speaker presented the House, That the day before received a Letter signed by one John Q.

"Togher, resident in Dublin, was giving me about the nature, one of them showed me, 'get into my hands,' it read as follows: 'I have reading, a pen, and station, when I have been an ordinary was intended to be an essay upon the only article of a *de Potest*, the crown to serve my value with it, made an essay sent to Mr. Baile immediately, and then wrote a paper called *The Guardian*, showing him the mean end, I set down as written with him the *Guardian* at Dublin, I knew that, I wrote several of his papers, called the *Hyperborean*, relating to our constitution, which I thought myself assisted by the three members, and when I found the *Succession* or *Order* attacked, not only by pamphlets and papers, I came out with it, but by a book in Latin, of *Hereditary Right*, which was questioned one of the *Marbles*, I then thought it best to write, to interrupt something, that in the press as soon close to that intended person. After some thoughts past thereon, I observed, it is the members' interest, your work as well as mine, to instruct in the common people to the obligations they lay under, both civil and religious, to the most illustrious House of *Stuart*, as there is a fundamental of the danger our religion, laws and liberties were exposed to in the reign of the late King *James*, and the paper concluded, that to put the law relating to the abolition of that King, and the subsequent withstanding of the crown, with a proper introduction, and a well argued and feasible conclusion as a small volume to be put in the power of the common subject to be master of, would be the most efficient method to subvert the common people."

"This gave occasion to my writing the *Crusade*, which appeared under the name of Mr. Steele; and had matters been carried to extremities against that gentleman, on account of this book, my fate would certainly have been more severe, than his, for my profession as a lawyer would have been certain of an agreeable state of my mind by the time maturity, and consequently of my punishment—On his subject's account to the throne, I flattered myself with the hopes of having some small ray of his royal favour shine upon me, and therefore addressed myself to the late Lord Chamberlain, desiring his lordship to do me the honour of presenting me to the King; who, with a generous frankness, was pleased to say, he would first provide for me, and then present me to his majesty—and but two days before the day on which he died, his lordship assured me he would, in a week's time, give me what would be pleasing to me—but his death prevented it—I then addressed myself to *Richard*, who was pleased to do me the honour to re-

and a Petition enclosed, drawn as a fact to be presented to the House, in which Letter was contained a scandalous offer of a sum of money to be paid to him, upon proving such an act of Treason as was charged on the said Petition:—The said Letter being read, the said John Quin, answered to be sent for immediately into the custody of the Sergeant at Arms, and was afterwards committed to prison, touching the said Letter.

March 13. The said Mr. Quin, an Irish gentleman, put up a Petition to the House:—Acknowledging his offence, as being convicted by the House of Treason, and ignorance, being a stranger, and unacquainted with the method of drawing votes of parliament, and begging pardon of Mr. Speaker and the House, for his

misconduct as to my Lord Townsend and Sir Walpole, who have both assured me of their favour, and Mr. Walpole several months ago told me I should be a commissioner for the several counties, and has often been pleased to inspect the same thing coming, till lately, when he told me, there would be no members of the House of Commons:—I therefore desired that I might be assisted by him for Register, and he has been so good as to present me his interest in it.—If it is not too great presumption, I would humbly beg your lordship's grace, sitting with that of His Majesty's Council as my honour, a kind word from your lordship to Mr. Walpole, and my Lord Townsend's interest, for of course,—Mr. Speaker, for several years, has been wholly a stranger to my chambers, and though it has in a manner excluded me quite by the bar, I presume it will be better quickly me for this service, matters relating to the bills and estates coming to be the chief business of that commission.—If I have an access next to writing the above paper in defence of the Pretender, Succession is the most distressing House of Commons, I assure your lordship I have a great deal of business in my bag:—I have to have written them, has turned very much to my detriment from the nature of the Letter, not only in the business of my profession, but in my other private affairs, upon which head I have taken some freedom with Mr. Bolingbroke General; and I hope your lordship, who appeared with the greatest favour in the head of those who were secretaries of war, Succession is the most distressing House of Commons at a time of danger is the late reform, will think it hard for me, though a scholar in the same glorious cause, to be a sufferer on that account in this.—I humbly beg a thousand pardon for this presumption; and that I may have the honour to be, my lord, &c.

W. Mordaunt.

R. B. Any person doubtful of the authenticity of the above Letter, or desirous of seeing the original, may be enabled by applying to the printers of this Magazine.

The above Letter and the Note were published in the 42. Justice's Magazine, published, 1714. Vol. VI.

affairs; and praying to be discharged out of custody." Which being read, it was ordered, That the said Quin be brought upon Monday morning next to the bar of the House, where having upon his Letter, received a command from the Speaker, he was ordered out of custody, paying his bail.

Debate on the Bill on the Death of the Pretender; March 17. The Lords taking into consideration the State of the Nation, the work of William, Marquis of, and March 21. d. the Lords Leveson, Hesketh, and some others, agreed to send the draught of a Bill to the Protestant Succession by message to the Pretender's not being yet returned from Lorrain, and the ill condition the affairs of Lorrain were in, so by the late success of Peace, and several, that Addressed be presented to the queen, 1. An Account of what steps had been taken for restoring the Pretender from the dominions of the Duke of Lorrain, and what success had been gained by that date. 2. An Account of the negotiations of Peace, what measures had been taken to restore the Peace, and what what objections had singly been made with. 3. An Account of what measures had been made for restoring to the Catholics their ancient privileges, and all letters relating thereto. 4. An Account of the measures used by parliament, since the 31. 1710, in relation to the war in Spain and Portugal. 5. An Address to be presented to the queen without any objection.

But, as the said Lord, the Lord Treasurer would be leave to bring in a Bill for the better security of the Protestant Succession, by making it high treason to bring any foreign troops into the Kingdom, which greatly concerned many parts.

The Lord Bolingbroke, who remarkably petitioning the queen, in many more of that nature, represented, "That such a bill might be moved against the very governors of the Protestant Succession, and so worked that happy settlement, for the security of which the bill was presented to be designed."

The Lord Bolingbroke replied, "He desired not, but the noble peer, who made it a motion, must only seek foreign troops, as might be brought into the Kingdom by the Pretender or his adherents." The Lord Treasurer having declared this to be the meaning, it was carried, "In that case such a bill was altogether unnecessary, were such troops were either open enemies, or servants, or traitors and rebels, if necessary."

The Lord of Argyle put in and to the debate, with saying, "That the Lord who made the motion, was not acquainted with the methods of proceeding in that House; for every peer has the privilege of bringing in what bill he thinks fit, that the Lord Treasurer's ruling leave for it, was but a compliance to the House; and therefore, when it had brought in the bill it would be then a proper time to consider of it." So the motion was dropped.

The queen's speech published collected as the 4 Q.

James Oglethorpe, afterwards Patron of the House, in a speech (though I forbear to himself, he should himself have contradicted it).

From this time, at all their debates on the subject, the Catholics, and the whole spoke again in favour of the Catholics, and concluded, "That the House (that is, the Commons) is bound, here, that year, to make a solemn declaration, after they had taken the oath, and it was to be declared for the Catholics."

The Lord of the House, seeing the minority that naturally stuck round, to ward off the blow by saying, "That, for his own part, he was not of the third day, applied against the Catholics, though he was fully convinced of their innocence, courage, service, and civility, and abilities. That he would, in like manner, be one of the first that should attack the present government, if he thought them guilty of the same faults. That, as he had observed, it was usually out of spleen and envy, that some persons were for separating into the conduct of persons, who had given good proofs of their skill for the public good, he was of opinion, that, they ought to examine into the conduct both of the late and present ministers, that is, by comparing one with the other, they might see, which had committed less errors."

However, the Whig Lords pursued their point, and in parts also took notice of the danger, both the queen's person and the Protestant Succession were in, from the great number of outlawed papists, who were permitted to come over from beyond sea, and complained of the favour shown to the Pretender's friends, in granting Nick Pivrogoff's petition (presenting Daniel de Ties among others) who were under prosecution for writing against the Protestant Succession. They recommended upon the Debate of the Nine Years' war, much increase, though nothing had been done at sea for two or three years. The court-party having nothing to say to these particulars, it was moved and carried to address the queen, that she would order the proper officers to lay before the House: 1. An Account of the Debts and State of the Navy. 2. An Account of Nick Pivrogoff's granted since her accession to the throne. And 3dly, a List of Persons employed, retained, or that had borne arms in the service of her majesty's, or the late king's enemies, who had got home again since Great Britain, or other her majesty's dominions, since the year 1688.

After this, upon a motion for adjourning, the Whig Lords proposed to adjourn only to the Monday following. But, the majority being highly concerned to put a stop to such expedients,

The Lord Treasurer represented, "That the solemnity of the festival of Easter approaching, the next week ought, according to the primitive institution, and the constant practice of the church of England, to be set apart for works of piety;" and therefore moved to adjourn to the 31st of March. The Treasurer being seconded by the lord Mayor,

The Earl of Sandwich said, "God forbid he

should oppose that noble lord, who had made so good and religious a motion; but that he appeared in that venerable house (pointing to the bishops) whether humanity and charity did not require it at their hands, not to have any dissent of tone, in addressing her majesty in behalf of the distressed Catholics, who were attached to such an extremity, that the least delay in procuring their relief, might prove they ran for ever." Then it was resolved, without opposition, to prevent the Address, and the end of Queen's message for adjourning to the 31st of March was carried in the affirmative.

It is observable, the Commons having, the day before, made an order for clearing the House of all strangers, not excepting the peers, it was moved in the Lords' House to nullify the like order, without excepting the Commons. But this was opposed by the duke of Argyll, who said, "It was for the honour of that august assembly to show, that they were better bred, and had more complaisance than the Commons."

Debate on the Lords concerning the Catholics.] The Parliament met on the 31st of March. The chief debates were in the House of Lords, concerning the Catholics, the Protestant Succession, removal of the Pretender out of Lorraine, and the late Treason. The papers, which had been addressed her, being laid before the House, those relating to the Catholics were read on the 2nd of April. Then the duke of Wharton and Sunderland, the lords Hilsin, Cowper, and others, represented, "That the crown of Great Britain having drawn in the Catholics to declare for the house of Austria, and engaged to support them, those engagements ought to have been made good." To this

The Lord Bellingbrook answered, "That the queen had used all her endeavours to procure to the Catholics the enjoyment of their ancient liberties and privileges, but that, after all, the engagements she was entered into, exhausted no longer than while king Charles was in Spain; but that power being advanced to the highest dignity, and having himself abandoned the Catholics, she could do no more than interpose her good offices in their behalf, which she had not been wanting to do." To this it was replied, "That God Almighty had put more effectual means into her majesty's hands." After some other speeches,

The Lord Cowper moved for an Address to the queen, importing, "That, her excellency for preserving in the Catholics the full enjoyment of their ancient liberties, having proved ineffectual, these lords do make it their humble request, that she would continue her interposition in the next passing manner in their behalf." None of the peers opposed this motion; only

The Lord Chancellor, in order to justify all that had been done by the majority, said, "That Address would be more grateful to her majesty if the word 'ineffectual' was left out, and if they should only thankfully acknowledge her majesty's interposition in favour of the Catholics." Which was agreed to.

to the Queen's answer.] The next address was read and agreed to, as follows:

"We, your majesty's most devoted and loyal subjects, the Lords spiritual and temporal in parliament assembled, having taken into consideration, the several papers your majesty was graciously pleased to present to the Lords and the House, in pursuance of our humble address, of the fifth day of March last, that your majesty would be pleased to order an address to be laid before that House, of what redress had been used, that the Catholics might have the full enjoyment of their ancient rights and privileges; did with the utmost thankfulness to your majesty, and satisfaction in ourselves, observe the repeated and urgent assurances of your majesty, for preserving to the Catholics the full enjoyment of all their just and ancient liberties, and that although it appears by the Treaty of Peace with Spain, that the king of Spain has hitherto not been disposed to agree with your majesty's interposition in their behalf, but insists that they shall come under the condition of his subjects of Castile, there is yet room for your majesty's further interposition, for restoring to that people those liberties, which cannot but be very valuable to them. We do therefore, make it our most humble and earnest request to your majesty, that your majesty would be graciously pleased to continue your interposition in the most pressing manner, that the Catholics may have the full enjoyment of their just and ancient privileges continued to them."

The Queen's answer.] Her majesty's answer was as follows:

"My Lords; I heartily thank you for this address, and the satisfaction you express in the assurances I have used in securing the Catholics their just liberties.—At the time I concluded my peace with Spain, I resolved to continue my interposition, upon every proper occasion, for obtaining those liberties, and to promote, if possible, the assurances, to which that people are exposed by the conduct of those more nearly concerned to help them."

Debate in the Lords, on the State of the Nation.] April 3. The Lords taking into consideration the State of the Nation, several speeches were made in relation to the dangers to which all Europe in general was left exposed by the late Treaty of Peace, and which, in particular, threatened the Protestant Succession. To this purpose the Whig lords maintained the countenance and favour which were publicly shewn by them in power to the friends of the Pretender; and his continuing in London.^a

^a Some time before the parliament met, the following Letter, said to be written by the duke of Lorraine, was handed about, first in private wings and afterwards in print:

"Madam, We could not be more surprised at the address of the British parliament last summer, than with the late proclamation of

The King of Sardinia which, "That notwithstanding the earnest application made last summer by both houses to her majesty, to use her utmost endeavours to get him removed from France, yet he was secured by Louis XV. that, the duke of Lorraine's march to some parts before his departure, that, to give certain satisfaction to ourselves, and yet leave room to his master for that purpose."

The Lord Bishopsburgh said, "He wondered how I could think such a declaration, since he himself had made those assurances to the Queen in the Queen's name."

"your majesty's minister at Utrecht, in relation to the removal of the character of George I. from the dominions of Lorraine. Since we could absolutely comply with the request of the most christian king is that after the profound respect we have for your majesty, made us apprehensive of giving the least assistance to your majesty. But when we were assured, on the contrary, that the expectation we did be highly agreeable to all sides, as the only means to remove one of the chief obstacles to the general peace of Europe, to which we owed and deserved proud of so great an honour we could no longer refuse from opening our arms, to receive in prison, the most accomplished, the most virtuous, and most amiable of human race, who only wants to be seen to be admired, and known to be almost adored whose magnanimity, in his weakness, renders him worthy his high birth; besides his other great and commendable qualities, which secure the royal blood that flows in his veins.—We therefore hope your majesty, and the British nation, will not take us ill, that we cannot comply with a demand so inconsistent with our own honour, and the laws of hospitality; thus, after our protection once given, we should voluntarily abandon, to the rage of his enemies, an innocent, distressed prince, who knows no crime, but being born the last heir male to the illustrious family, which, for several ages, has given so much great monarchy to the world, amongst the rest your majesty, of whose house yours be it a happy honour; and whose ancestors and great actions have reflected so much lustre as you have removed from your noble and truly royal progenitors. That God Almighty would take your majesty into his holy protection, is the warmest wish of, and on, your majesty's, &c."

"The Whigs and the Jacobites were equally industrious in disposing copies of the duke's Letter, which contained ample assurances of the wisdom and sensible character of the Clerical. The former believed it to be well calculated for strengthening the views of the minority of the court, and the danger of the Protestant Succession; the latter hoped that it would increase an esteem for the character of the successor whom they favoured." History of the late and third session of the 1st Parliament, p. 216.

The Lord Bolingbroke confirmed what the end of Sir John's last statement, saying "I have known and told him as much but four days before; so that the Lord Bolingbroke could be mistaken, at least, in point of chronology." The Earl of Wharfedale having urged the danger, which threatened the nation, and the Protestant Succession, from the mal-administration of affairs, a question was proposed, "Whether the Protestant Succession was in danger under the present administration?" The court lords, who had a mind to reverse the majority under the queen's name, insisted, that the last words of the question should be, "under her majesty's administration?" The Whig lords objected. That the queen might not so be understood as a question, that did not at all concern her majesty; but, by our constitution, the ministers are to answer, and, if any thing be done wrong, the ministers alone are accountable for it! But it was urged, "That the queen having, in her speech from the throne, taken notice of the ministers, that the Protestant Succession was in danger under her government; the question ought to be taken in her majesty's expressions about the same subject."

The Protestant Succession voted out of Danger.] This being agreed to, the question was warmly debated from ten to the afternoon, till five o'clock in the evening, when the Protestant Succession was voted out of danger by a majority of 22 yeas only, 25 against it. The most remarkable circumstance of this debate was, that the archbishop of York and the earl of Arundel were up and voted with the Whig lords, which added great strength to that side, the archbishop drawing after him the whole bench of bishops, three counties only excepted; and the other being followed by the earls of Abingdon and Jersey, the lords Ashburnham and Oxford, and some other temporal peers, who, like the Lord Arundel, had, upon most occasions, voted for the court lords, so that the victory, now gained, was owing to the Scots peers, or to the late creation. And it was the general opinion, that this morning's advantage was in reality a kind of defeat.

The Earl of Arundel's speech upon this occasion, was much taken notice of. He said, among other things, That, when he came into the House, he thought indeed the Protestant Succession to be well in danger on the part of France, whose interest it was to destroy the Pretender. But that, after he had heard what so many noble members of that august assembly, persons of unclouded honour and probity, had alleged against the ministers, and no answer offered to confute it, either by the ministers themselves, or their friends, he could not but believe the Succession to be in danger under such an administration. He afterwards recommended to clear himself, as to the share he had in some late transactions: "I own (said he) I gave my assent to the creation of peers, for which I take shame to myself, and ask God, my country, and my posterity pardon. But, however, this shall I still not estimate till that

noble lord (turning towards the Lord Treasurer) had created the council, that the Peace would be glorious and advantageous both to her majesty and her allies. Adding, that, as the honour of his country, and the good of his country, were the rule of his actions, so he had on respect of persons; and if he should himself imposed upon, he should perish in a bad manner, from the queen's closet to the Tower, and from the Tower to the scaffold."

The Lord Treasurer, against whom this was levelled, said, "That the Peace was as glorious and advantageous, as could be expected, considering the security of affairs, and the conduct of the queen's ministers and courtiers, both at home and abroad." Several lords replied, That no minister ever had it in their power to make so honourable and advantageous a peace, as the queen's ministers had.

The Duke of Argyll in particular added, "That he had lately crossed the kingdom of France, both in going to, and returning from Monaco. That it was indeed one of the finest countries in the universe, but that there was mark of a general desolation in all the places through which he passed. That he had rid 40 miles together without meeting a man fit to serve as a guide: that the rest of the people were in the utmost misery and want, and therefore he did not apprehend it not necessary there was immediately a Peace to perpetrate with a people whose dominions were so exhausted of men, money and provisions." As to the question now under debate he said, "He could believe the Succession in the electoral House to have been in a danger from the present ministers, when he charged with mal-administration, both within those walls, and without; that he knew and offered to prove, that the Lord Treasurer had yearly received four thousand pounds in the highest class of Scotland, who were known to be entirely devoted to the Pretender, in order to keep them under discipline, and ready for any attempts; that, on the other hand the new nobility of the camp, by demanding more wages out of their purses, and by removing from their employments a vast number of officers merely upon account of their former affection to the House of Hanover, were clear indications of the danger is hands; that it was a disgrace to the nation, to see men, who had ever looked on as men in the face, advanced in the posts of several brave officers, who, after they had often exposed their lives for their country were now starting in power for debt, for want of their pay."

The Lord Treasurer, laying his hand upon his breast, said, "He had, as so many occasions given with equal proofs of his affection to the Protestant Succession, that he was now an member of that august assembly did call it in question. That he would be had remained for two or three years past, 1705, to the highland clans; but that he hoped the House would give him an opportunity to clear his conduct in that regard, and as for the reformed officers, he had given orders they should forthwith be paid."

The Lord Ashburnham, who had lately been chosen to the command of a troop of life-guards, thinking himself collected on by some commission which had dropped from the duke of Argyll, took that occasion to say, "That he never had his better nor a more loyal subject than himself; but that at the same time he was ready to give every drop of his blood, and spend all his fortune for the security of the Protestant Succession."

Debate about the Removal of the Pretender (of James.) Though, after some other speeches, the Protestant Succession was voted as of course on the one party desired, yet,

The Lord Highflyer, in order to put these professions of affection to the Protestant Succession to the test, moved, "That the Address be presented in the open, that she would answer her motions for the speedy removing the Pretender out of France; and that she would, in conjunction with the States-General, enter into the governing of the Protestant Succession in the House of Hanover; and also with such other persons, as she should think proper."

The Earl of Wharfedale moved that, in the Address, "Her majesty might be desired to meet out a proclamation, promising a reward to any person who should apprehend the Pretender, dead or alive?"

The Duke of Rutland, also moved, "That the reward might be payable to the importance of that service." Nothing was said in opposition to these motions; but, it being late, some members cried, 'Adjourn, adjourn!' But the other side calling for the question, it was unanimously resolved, that the Address should be presented.

Before the debate came on, the Lord North and Grey moved, that all the members that were in the House should withdraw; upon which the earl of Wharfedale desired that they might be permitted to stay; and he was seconded by the duke of Argyll. But, the lord was made the motion, meaning upon it, all members were obliged to withdraw, except those behind, every one however, whose standing behind the throne among the peers was ordered at.

"Upon the motion for addressing her majesty to offer a person for apprehending the Pretender, it was proposed by the earl of Wharfedale, to add the words, "whether dead or alive;" and this barbarous idea was repeated by some of the most respectable names in the Whig List, but, for the honour of the House, was rejected by a great majority with that indignation which a parliament attending in these circumstances, was not surprised that the queen demanded from her ordinary respect to the national ceremony, and answered the lords in terms expressive of her amazement and displeasure. She said, "that she did not see any occasion for such a proclamation, that it would strengthen the Succession in the House of Hanover and her own government, if an act was put to their professed fears." *Scotsman.*

April 8. When the Address against the Pretender was reported by the committee appointed to draw it,

The Lord North and Grey made a long speech, "Wherein he endeavoured to show the necessity of setting a reward upon every body's head, which, he said, was an encouraging of honour and valour, and was a support and such a practice was to discourage, the love of nature, and the love of all civilised nations." To which purpose he quoted some passages out of Cicero, Puffendorf, and other authors. He represented particularly, "How inconsistent such a proceeding was with the honour and dignity of so august an assembly in a nation and government, famed for honour and civility;" and in conclusion said, "No man either had more respect and affection for the glorious house of Hanover or would do more to serve them, than himself; but that they must excuse him, if he would not venture themselves for them."

The Lord Stowe, said, "What that noble peer had spoken, was sufficient to show, how inconsistent such a proceeding was with civility, and the good law; and therefore he would rather trust to our own love; and, as he knew a punishment for any thing of these, he was content, if they were no less opposite to such proceedings than the good law. He knew, he did not agree, there as a whisper or judge, but as a peer. Justice was so fully satisfied of her own discretion as to rule all such proceedings, that, if ever any such case should come before her as a judge, he would think herself bound in justice, honour, and conscience to condemn such an action as murder; and therefore he hoped, the express want of justice in England, and the most sacred tribunal in the universe, would not make a precedent for encouraging immorality," concluding that it was unnecessary, and therefore he moved, "1. That the reward should be for apprehending and bringing the Pretender to justice in case he should land, or attempt to land either in Great Britain or Ireland. 2. That her majesty was her royal proclamation wherever, in her great wisdom, she should judge it necessary." The lords Grey, and Wharfedale said, "That such a proceeding, as important as it might be to the principle of civility, was yet warranted by the justice of the old Romans, of the most civilized nations in Europe, and of our nation. For, without recurring to ancient instances, we had the example of King James the first, who set a price on the head of his own nephew, the duke of Monmouth." But these two lords were but weakly supported by their own party; and the earl of Argyll and lords Ashburnham, Carteret, and Grey, who, three days before, had led the court party, having approved the lord Lovell's motion, and most of the bishops, who were against such an Address, being absent from the House, these arguments were, upon a division, carried by a majority of ten voices.

Vote against Pretender suffered, Papists and

others.] The same day, upon motion made by the lord Halifax, the Lords resolved to present another Address to the queen, "That she would send out a proclamation against all Jesuits, papist priests, and bishops; as also against all such, as bore arms against the late king William and queen Mary, or her present majesty." Upon this occasion, some severe reflections were made against those persons, who, being called to be adhering to the late king James and the Pretender, had the assurance, and were encouraged, not only to come over but even to appear here with a public character. The earl of Arundel rose, on this occasion, "That for his own part, he was against widening our domestic divisions, by keeping up schism distinctions; and therefore, if they, who were born his majesty's subjects, and had been so sworn against their country, were sensible of their fault, and inclined to return to their bounden allegiance, they ought to be as open to open the door for them to come in." But the House had other thoughts of the matter, and the next day resolved, "1. That no person, not included in the articles of Treason, and who had borne arms in France or Spain, should be capable of any civil or military office. That no person, who is a natural born subject of his majesty, is to be capable of wearing the character of public agent from any foreign potentate." Sir A. Mordaunt rose, made with a view to a French Lawless, who, having been the Pretender's envoy at the court of Madrid, had come over with a credentialed letter from king Philip. But, upon the vote, which for having been made in both Houses of parliament, he thought fit to go to Holland.

The Lord Treasurer's Conduct in settling *His Majesty's Highlanders* appeared.] As a reflection had been made against the Treasurer, for remitting yearly about 4,000*l.* to the claim of Scotland, as if that sum were designed to keep in being and discipline the Pretender's friends, the lord Townshend moved for taking that affair into consideration. The duke of Argyle represented, "That, the Scots highlanders being, for the most part, either Catholics, or of mixed Jacobites, the giving them pensions was, in effect, keeping up party divisions, and fermenting rebellion." In answer to this, the Treasurer declared, "That as this gentleman had but but fallen of the example of the late king William, who, after he had seduced the highlanders, thought fit to allow yearly pensions to the heads of the clans, in order to keep them quiet; and, if this present minority could be charged with any management on that article, it was only for retrenching part of that bad custom." Nothing being alleged against this apology, the lord North and Grey made a motion for referring the Treasurer the thanks of the House for his good services. But the lord Bolingbroke, to put it off, said, "He was persuaded the Treasurer was contented with the testimony of his own conscience, and desired no further satisfaction;

and to have his conduct approved by that august assembly." It took no more time done. Upon this unsuccessful attempt, says the Treasurer, the lord North and Grey rose with an air of triumph, "That, having been ever removed all fears and jealousies among Father and the Pretender, he begged the pardon of the assembly, and was especially pressing all the objections they had against their conduct." And moved, that a day might be appointed for taking into consideration the State of the Nation, with regard to the Succession of France and Commerce. He was seconded by the earl of Gloucester; and then the House adjourned to the 12th, but, the day before, the lord chancellor, attended only by the other lords, presented their Address against the Pretender.

The Lords' Address against the Pretender.] The Address was as follows.

"We your majesty's most devoted and loyal subjects, the Lords spiritual and temporal in parliament assembled, having a just and tender concern for your majesty, and our country, and being encouraged by that real your majesty has so often expressed from the throne, for the Protestant Succession in the illustrious House of Hanover, do now presume to renew our most humble applications to your majesty, upon a subject so agreeable to you, as this which is nearest your own royal heart, and do humbly beseech your majesty, that whenever your majesty, in your great wisdom, shall judge it necessary, you will be graciously pleased to issue your royal proclamation, promising a reward to any person, who shall apprehend and bring the Pretender to justice, in case he shall find, or attempt to find, either in Great Britain or Ireland, suitable to the importance of that service, for the safety of your majesty's person, and the security of the Protestant Succession in the House of Hanover.—We also desire leave to express our great concern, that your majesty's instance, for removing the Pretender out of Lorraine, have not yet had their effect; and do humbly request your majesty, that you will be graciously pleased to insist upon, and renew your requests for the speedy removing the Pretender out of Lorraine; and likewise, that your majesty will be graciously pleased, in conjunction with the States-General, to desire the emperor to enter into the guarantee of the Protestant Succession in the House of Hanover, and also all such other persons, as your majesty shall think proper."

The Queen's Answer.] The Queen gave this Answer.

"My Lords: It would be a real strengthening to the Succession in the House of Hanover, as well as a support to my government, that an end were put to those groundless fears and jealousies, which have been so unnecessarily promoted.—I do not, at this time, see any occasion for such a proclamation. Whenever I judge it to be necessary, I shall give my orders for having one issued.—As to the other part of the Address, I will give proper directions there."

Journal of King James's Queen delivered in 1714.] The Queen revived the hopes of the Pretender's friends, who, before the same apprehensions, and in some both Houses, were a long and warm of protestants, that, towards the end of March, an agent of King James's queen situated the staff of Liberty of 500,000, that is let by the crown of England, for the duty of 20,000 per annum until the death of James's. But, the agent having in the full given for the tale of James's mother, the officers no paid to life it; since which the agent cleared the tale, and presented it in the name of 'the most illustrious prince Hara, elect of Rome, the first, king of England.' Though no notice was taken of this formal demand, yet, pursuant to a private agreement made in France by the lord Selkirk, about 20,000 were retained for her use.

Baron Schetz demands a Will for the Duke of Cambridge.] The day, the Address against the Pretender was presented, an incident happened, which, as soon as known, threw the ministers into the utmost confusion, on the 10th of April, most of the Whig lords held a consultation at the lord Halifax's, to which Baron Schetz, having drawn the election of Hanover, was admitted. It was resolved, pursuant to the orders, Schetz had received from his court, or to the discretionary power, which was lodged with some of these lords, that the enemy should take the first opportunity to demand a will for the Electoral Prince to sit in the House of Peers, as duke of Cambridge. Accordingly on the 23d of April, Baron Schetz made a visit to the Lord Chancellor, and among other civilities, acknowledged the affection, he had shown, on several occasions, to the most serene Electoral Prince of Hanover. The Lord Chancellor told him, 'He was extremely sensible of the honour he did him by his visit and compliment; and desired him to assure the elector, of his warm devotion to his service; hoping his electoral highness gave no credit to the false reports, that were industriously spread abroad, in order to give less preference of her majesty's ministers.' The baron answered, he would not fail discharging or agreeing a commission; but he had a thing to ask him, in the name of the Electoral Prince, that his lordship would be pleased to make out a Will for his young son the House of Peers, as duke of Cambridge. The Lord Chancellor surprised at this unexpected demand, told the baron, 'It was not usual to make out Wills for peers, who were out of the Kingdom. However, he would forthwith apply to her majesty for directions in that case.' The baron answered, 'He did not doubt, his lordship knew, and would perform the duty afterwards. But, as to the objection of the duke of Cambridge's being out of the Kingdom, he would assure him, his Electoral Highness had resolved to come over very speedily, and perhaps might be landed before the Will was made out.' Upon this, the baron, relating his hope, the Chancellor directed him to remember, 'He did not order him

demanded, but only thought it proper to acquaint the queen with it; which he would do immediately.' To this the baron answered, 'His lordship desired his lordship to remember, that for example, I have told you farther date of Cambridge's Will.' The Chancellor having the same evening acquainted the queen and her chief ministers, with these passages, a council was immediately called, and, having sat two hours which all other day, it was resolved 'That the Lord Chancellor should make out a will for the duke of Cambridge.' This transaction, which, the next morning, was first whispered about in the court of requests, and a sudden drop in the spirits of the open and secret friends of the Pretender. It was then a question, whether, Baron Schetz had made that demand by express directions from his master or only by the advice of some Whig lords. But it is certain, the queen took so all the baron's applying himself to the Chancellor, before he acquainted her with his orders, that she was the master of the circumstances to forbid him the court. Two days after a messenger was dispatched to Mr Thomas Harley, at the court of Hanover, with instructions relating to the new scene opened by Baron Schetz; who, about a week after, desired him to return to Hanover, having left with resident Kreyenberg a letter to Mr Broucker, riding him, 'That having had the satisfaction to enjoy her majesty's displeasure, and being thereby rendered incapable of serving her master any longer in this court, he thought it necessary to return home, Kreyenberg delivered this letter to Mr Secretary Broucker, who told him, 'That either he, or any other minister, whom the elector of Hanover would please to send over, would be well received by her majesty.' This affair occasioned various suspicions; and as Schetz's declaration of the duke of Cambridge's intention suddenly to come over alarmed the Pretender's adherents, so it raised the spirit of the well affected to the House of Hanover. What was the sense of the members about the duke of Cambridge's coming over, and the present posture of affairs, may be gathered from some remarkable passages in a pamphlet published about this time with the title of 'Hanover not at our Gates, or an Inquiry into the ground of our present fears of Popery and the Pretender' of which one of the principal writers of the Hanoverians was supposed to be the author. In this pamphlet, it was, among other things, generally considered, 'That a certain gentleman was gone to Hanover to harrass the Duke and indeed it was the general opinion that Mr. Harley, who arrived at Hanover on the very day Baron Schetz demanded the will, was sent only to assure that court with professions of the treasurer's and all his friends devotion to the elector's family; and (it is said) as a proof of the declaration, with the very original of a letter, the queen had written with her own hand to the Pretender. But, as the subject of Mr Harley's last embassy is still a secret, no stress can be laid on the various conjectures, it oc-

renounced. It may only be observed, he met with a cold reception at Hanover, and making no long stay there, came back to London on the 24th of May. In many instances he remarked, that upon the first sight of Baron Schurz demanding a writ for the duke of Cambridge, the lord Papet, who commanded every extraordinary to the court of Hanover, he declared that *exemplum est in oculis* a justitia, and the rest of Clarendon was afterwards approved.

Resolution for a second Address about the Pretender.] The lord-Chancellor having on the 13th reported to the House of Peers the queen's Answer to the Address against the Pretender, some expressions in it did not please the Whig lords, who moved for another Address to return her majesty thanks for her Answer and continuing the growth and strength of their former Address. The court-lords, however, that such an Address was started, the prevailing party might advance to more express resolutions, strenuously insisted not to raise into malignant particulars, but to confine themselves to expressions in the queen's Answer. According for motion Address being offered, the duke of Leeds moved, that in the case of it where motion was made at the house and parliament are evenly split, the words "and unanimously" might be added; which, after a debate of four hours, wherein the bishop of Sarum made a long speech, was carried only by the majority of two voices, the votes in the House being equal, all on each side. The victory of the courtiers won by their antagonists seemed as little better than a defeat. And it is certain, that the Whig lords had that day carried their point, had it not been for the accidental loss of four votes, the duke of Rutland, being then at Newmarket with a pruney in his pocket; the duke of Ormonde, being sent for home to his daughter then in labour with her first child; and the earl of Camberough, being taken ill that very morning, that he could not sign his proxy. It was also remarkable, that of 18 bishops then in the House, two only, Rochester and Durham, voted with the court; that the new bishops of London and Bristol, who were thought blindly devoted to the ministry, joined with the Whigs; as did also the cardinal of Angiers; which was undoubtedly owing to Baron Schurz's demanding a writ for the duke of Cambridge, which writ gave life and weight to the Whig party. However the Resolution being laid before the queen, she only answered, "She thanked them for their Address; and that she took very kindly the assurances they gave."

Debate on the Lords on the Treaty of Peace and Commerce.] April 14. A motion was made for taking into consideration the Treaty of Peace and Commerce; and some speeches were made on both sides, after which the debate was adjourned to the 16th. That day the Whig lords being apprehensive, that, if any debate upon the Spanish Treaty, the other party would propose an Address to

the queen, approving of that Treaty, which they thought ahead, they themselves agreed to say nothing against the Treaty, that drew might there into a debate.

The Lord North and Grey stood up first, and said, If your lord had any objections against the Spanish Treaty, he was ready to answer them; and upon a challenging answer, went on for some time. After he had done there was a silence for a quarter of an hour, and then.

The Earl of Clarendon said, "My lords, since no objection can be raised against the Spanish Treaty, we should address her majesty to return her our most humble thanks, for having, by a safe, honourable, and advantageous Peace with Spain, delivered these nations from a long, continuing bad war; and to desire her, notwithstanding any dissensions, that may be thrown in her way, to proceed in the settlement of Europe, according to the principles laid down in her most gracious Speech."

The Lord Cooper answered, "My lords, that is the most barbed sword, that was ever made by the or any other society, to wound themselves, by endeavouring to get the sanction of the House for themselves. My lords, I have no objections against their Treaty. Are the members themselves jealous, that their address stand in need of the sanction of the House? Else why this endeavour to an Address, to make their act the act of the House? The lord, that spoke first, acting like a soldier, would, by clanking, have done us a general engagement; but the troops are too well disciplined to fall into an ambush of his laying. But I cannot remove my finger from the original of our misfortunes, 'the calamities of arms.' We were then told, that, if a blow had been struck, it would have ended the Peace. Would to God it had raised the Peace."

The Lord Malpas said, "What was last mentioned, my lords, makes me rise into the highest resentment of the vice stage given my lord duke of Ormonde; a lord for whom I have the most profound respect. My lord Ormonde was our vice Flancon with a true English heart, which, my lords, is the best in the world, with a desire to do his country all the service his great ability capacitated him to do. Therefore, it must be inconceivable, the horrible request it must give his noble and generous heart to receive such shocking orders, returning in white colour to the soldiers, flushed with fierce words, and hopes of evil success."

The Earl of Northampton said, "My lords, I never knew the like Address to this ever offered at last seen, in the case of the duke of Suffolk, who, in Henry the 6th's days, had made a Treaty, for which he thought it convenient to get the sanction of the House by an Address, and got seven lords made at our time to carry the vote. Yet he was called to an account afterwards for the Treaty, notwithstanding the Address. I say on behalf of the court, because he came to an untimely end."

The Bishop of Salisbury likewise said, "My

the Protestant Statesman to be in danger, not from her majesty, but from the dangerous conduct of so many persons in high stations; and therefore insisted, that the queen might not be considered as the question.

Mr. Campbell, having spoken in vindication of the manner, was answered by the end of Harcourt. The first Dissenters expressed themselves his fears of the Protestant Dissenters being in danger, from the convergence, that was given by the Pretender's friends, and particularly in North-Britain, which he had an opportunity to display, when he was doing with the regiment, in which he had a troop. After some other speeches, the court party, being apprehensive the question would go against them, endeavored to drop it, by moving, that Mr. Pittman, champion of the cause, should leave the chair. Upon this,

Mr. Thomas Baxter, the Spectator, made a memorable speech, reporting, "That he was sorry to see, that controversies were used to wear their agonies, and stop their mouths; but he was of opinion, that was the proper, and perhaps the only way for parties to speak. That a great deal of pains were taken to answer some passages; and, in order to that, to make them overlook the charges that threatened the queen, the crown, and the Protestant Succession. That, for his own part, he had all the honour and responsibility for her majesty's conduct; but that he would still move to his country, that in any manner. That, in this debate, so much had been said to prove the Succession to be in danger, and so little to make out the contrary, that he could not but believe the first. He concluded with taking notice of Mr. Patrick Leslie having suffered in some way, and submitted to an sentence of his majesty." His speech had a great influence on the audience and suspended speeches, but several days, after a long and warm debate, it was resolved, by a majority of 165 voices against 205, "That it is the opinion of this Committee, that the Protestant Succession in the house of Hanover is in no danger under her majesty's government. 2. That the House be moved humbly to address her majesty, returning the Thanks of the House to her majesty, for the measures she has used for the removal of the Pretender from the dominions of the Duke of Brittany, and humbly desiring her majesty, to reject upon, and remove her intention for his speedy removal from France."

When these Resolutions were reported the next day in the House, there arose a debate, in which Mr. Walpole, Mr. Lockhart, and General Sandeys made very strong speeches. Mr. Walpole, among other things, applauded the public spirit, which the Speaker had shown the day before; but added, he despaired of seeing truth and justice prevail, more notwithstanding the weight of a person of her Ladyship's majesty, and eloquence, the majority at times had carried it against reason and argument. General Sandeys endeavored to prove the Protestant Succession to be in danger by the an-

gle but forcible induction, "That as it was universally acknowledged, it had been the Pretender's business, so it was equally necessary, he had it now, more than ever, in his power, to seize the Pretender." However it was agreed without a division, that the Protestant Succession was out of danger, and the Address of Thanks should be presented to the queen. To which Address she answered, she would answer her instances for the removal of the Pretender out of France.

The Commons agree with the Lords in an Address upon the Treaty of Peace.] The having sent, as before mentioned, a Message to the Commons for these acknowledgments, in address of thanks for the Treaty of Peace, the Commons with France and Spain, the 14th and 15th inst. considered on the 17th of April, and a warm debate arose. The principal objections were raised by Mr. W. an eminent member, in the course of the debate, in which many excellent points, particularly the danger to several sorts of goods, on the dissolution, were fully borne mind and understood; and therefore led to arbitrary explanations. Mr. Arthur Baker having answered him, he was supported by Mr. Peter King, Mr. Ashurst, who had, some time before, left the court-party, and was therefore removed from his place in one of the beds of the Admiralty, spoke, on this occasion, with great vivacity against the measure, for having made us purchasers of Peace. They were answered by Mr. Campbell, and the leading men among the Whigs pleading for the measure from the noise and laughter of the court speech, that they were sure of a majority, gave up the contest, and did not think it reasonable on a debate, which would have exposed their weakness.

Address of both Houses upon the Treaty of Peace.] Both Houses resolved to agree with the Lords in the following Address, which is as presented, the 21th of April, by both Houses to the queen.

"Most gracious Sovereigns:

"We your majesty's most devoted and loyal subjects, in the Lords spiritual and temporal, and Commons in parliament assembled, beg leave to express the just sense, which we have of your majesty's goodness to your people, in desiring them, by this its, honorable and an unexampled Peace with France and Spain, from the heavy burden of a continuing bad war, completely carried on, and become at last victorious. And we do thank most justly and gratefully, that you will be pleased, with the same good sense, comprehending all the circumstances, which have been, we may be driven to war now, to permit such measures, as you shall judge necessary for completing the conquest of France, on the principles laid down by your majesty in your most gracious Speech upon the throne."

To Queen's Answer.] To which the Queen returned the Answer:

"My Lords and Gentlemen: The state of public affairs in Europe, as well as the diffi-

ties of my own land, obliged me to enter into a Negociation of Peace; and, notwithstanding all obstructions and difficulties, I have, by the blessing of God, brought it to a happy conclusion—I mention this subject, as the commandment of my sovereigns and lord subjects, and if it be possible to be performed, it may not be good by a sovereign, who desires nothing more than to see her people safe and flourish.

The *Schism Bill* moved for in the House of Commons.] In the consultation held by the majority, after the dismissal of the *bill* of Cambridge's was, wherein a resolution, Whether the quere should move are that defect the Lord Treasurer, the Lord Chancellor, the Lord Privy Seal, and another pro y. resolution, were for it, but the Lord Bishop, having opposed it, and carried the negative, resolved to push his point, and to use all possible means to defeat the *Protestant Dissenters*. With that view he said and made to all members with the Treasury, and moved himself more closely with the high church party. At the farther discouragement and even ruin of the Dissenters was thought necessary for accomplishing this scheme, it was begun with the famous *Schism-Bill*. A motion for it, on the 12th of May, by Mr William Widdowson, was introduced, by reading the 10th, 20th, 15th, and 11th sections of the "Act of Tendency," passed after the Restoration, by which, above 2,000 members were turned out of their livings. The motion being opposed, a bill was ordered to be brought in, to prevent the growth of Schism, and for the further settlement of the church of England as by law established. On the other hand, in order to strengthen the papal party in Scotland, a motion was made for a bill, to turn the Scots bishops, revenues and seats in the quiers, to be applied to the support of the episcopal clergy. To render this bill successful, it was proposed by the Whigs, that those revenues should be applied to each only of the episcopal clergy, to should pray for the quere and the present Popes in express words. As the dissent party could not well oppose this address, and as the revenues of the episcopal revenues, which had been forfeited in the Revolution, and given to the ministers of the Lord of Scotland, would have been attended with great difficulties, the bill was suffered to drop. It was, however, substituted in Scotch the *Schism-Bill*.

[In view of the Commission on the Siam Bill] When the bill was introduced and read the first time in order to be passed, there came a long and warm debate. Mr. Thompson, Mr. Robert Walpole, general Sandhu, Mr. Lockman, or Joseph Jekyll, and Mr. Peter Long, favored their passage in opposing a representative in general. "That it looked more like a change of Japan into apostate, than a law passed by a Protestant parliament, and it seemed to me as good a preservation against our Protestantism, as either the present or a change would affect—And the English

explosion, on the Protestant Green Paper, and the situation.¹⁰

Mr. Vanderplow closed, in particular, the all consequences of this law, as a world of more cannot be taught in a day, and, which, on the one hand, would drive the kingdom of God to some remedy, and, on the other, would be a great benefit to the people of God. He then turned to the people of God, and said, "I have said to you, that, instead of making new laws to encourage foreign missions, we could make those already in force against Popery more stringent, and that they should be allowed a certain number of schools. — The clergy who come here to talk, even Mr. Wrentham, Bishop, or William Wrentham, Mr. Huxford, and Mr. Lathrop,

Mr. Brady was asked, "If the doctors were equally dangerous to church and state, however, if the remedy, as physicians in their belief, would save the full ship, he would readily consent to it, provided another full crew brought in, to compensate themselves for it in that house, or to raise in thousands of members of a church?" Mr. Brady answered the question with great force, after which Mr. the pastor of spiritual work, as he used to lecture, say, health, volunteered to read as what had been offered by the 18th century.

His father, who brought up the case, did not raise the same, formally, objection, but, he wisely, got the disavowal of the physicians at Drury House, and afterwards, by his insidious maneuvers, the acquiescence and interest of the best Highchurch. In whose earnest regard, Mr. Collier, though seventy-four, and a year, or so, by the date of Donnan's notice, brought into the House of Commons, where he laid the solemn assurance to regulate his road for the cause he was to serve. With this assurance he presented Mr. Haugerford, and, in order to expose the dishonesty, he desired leave to read to the house a collection of observations and express representations, which he pretended to have taken from their writings. After reading part of this important paper, he fell into a passage extracted from the manuscript deposited of the late Mr. Hatherleigh B. minister at Colchester, where Mr. Collier was, he stated, 'That our blessed Saviour was a man of a ———' At these shocking expressions, Mr. Brown interrupted him, saying, 'Such impious words ought not to be mentioned in that assembly.'

On the other hand, some other incidents observed, do to Mr. Blackwelder was not a deacon's meeting, but a meeting of the church of England; and that he was known to be such a one, and therefore his statements and blasphemies proved existing against any set of men, much less against the church.

Mr. Lortie spoke against the bill with great effectiveness, and, among other things,

the Kingdom, to the great detriment of the government, and danger of the established church."

The Lord Halifax replied, "That the very language in which the bill was expressed to the queen, and her council and bishops, her majesty might not have been so far from assent to such a law, as the various declarations she had made were for showing, that she would certainly assist the whole nation, which this bill really was. That her majesty made it the glory of her reign to follow the steps of queen Elizabeth, who had not only entertained and protected the reformed religion, who took care to keep dissenters from the Spanish religion, but had likewise allowed them the possession of their religion, and caused a charter to be drawn to be inserted in the act of uniformity. Thus by that means, that were and persons of great had really increased the wealth of the nation, the Whigues living attached to the ancient constitution, which are the best branch of the national trade. That the persecution and annoyance to the late King William and queen Mary, and her personal papers, had given to the French refugees, had proved as his advantages to Great-Britain, and therefore it would be a piece of barbarity to make an act which should deter more French protestants to increase of numbers, either by keeping public schools, or teaching in private families, especially considering that his majesty, the government and king, for above three years past, paid them any part of the 15,000*l.* per ann. allowed by parliament in the civil law, towards the maintenance of their ministers and poor. He concluded with a strong notice of the total consequence of persecuting the dissenters in King Charles the first's reign, which landed dissenters and excommunicated men, and ended in the total overthrow of Church and State, and in the longoppression."

The Lord Foxcroft represented the ill effects of persecution in general. He said he had been a long time in Holland, and had observed that the wealth and strength of that great and powerful commonwealth lay in the number of its inhabitants, and at the same time it is observed, that, as the law is should come the whole nation was not collected in the national church, so he thought, they would not be as fit to people as Sweden or Spain, which they were scarce with inhabitants.

The Lord North and Gage, who spoke for the bill, expressed the great advantage of it, by saying, "That the church was in danger from the great increase of dissent."

The Lord Montagu said, "He owned he had formerly been of opinion, that the national conference of dissenters was dangerous to the established church, and therefore he was prepared the bill to prevent it. But now the church being over that country, he thought her safe and out of danger; and therefore he thought himself in conscience obliged to oppose the bill as a dangerous measure."

which tended to deprive parents of the natural right of educating their own children. He added he had observed both from history and human experience, that all the persecutions that had been raised in England against dissenters, especially prosecuted from, and tended to increasing Popery." He particularly expressed his opinion that part of the bill, which enacted, "That any person who should keep any public or private school or instruct any youth in letters, should have a licence of the respective bishop or bishop of the place, &c." My lords, said he, I have many children, and I know not whether God Almighty will vouchsafe to let me live, to give them the education I could wish they had. Therefore, my lords, I own, I tremble, when I think, that a certain dissent who is hardly suspected of being a christian (meaning Dr. Hays) was a last way of lengthening, and may not forget to leave to those who shall be instructed with the instruction of youth, some of his last words spoken for and against the bill. But the Lord Treasurer consented himself with saying, "That he had not yet considered of it, but when he had, he would vote according as it should appear to him, as he either for the good or detriment of his country. And therefore he was now reading the bill a second time," which was agreed to without dividing, and put off to the 7th of June.

After this, the presbyterian protestants that they might be heard by their counsel against the Bill, but their petition was rejected by a majority of 14 against 10. It was then read on the second day, and the Lord Foley, the Lord Mansel, and some other members of the opposition, went with the Whig lords, for opposing the Petition, and the Lord-Treasurer himself was one of the house, that he might not be obliged to declare on either side, which strengthened their opinion, who thought the bill hostile against him, with a view, that, if he voted for it, he would lose the Dissenters and the Whig majority, if he voted against it, he would lose the queen.

June 7. The Lords read the Schism bill a second time, and after a short debate, agreed, that no law should be enacted on the bill to favour the French protestant churches. Two days after in a continuation of the whole house, at which the Archbishop of York was chairman, the bill was committed paragraph by paragraph, from one in the afternoon till eight in evening.

The Bishop of London having suggested, "That the dissenters had made this bill necessary, by their endeavours to propagate their sects, and to draw the children of churchmen to their schools and assemblies."

The Lord Halifax answered, that what they did was with the knowledge and consent of the parents, who, in many places, had not sufficient means to educate their own children; for which reason he moved, That since the bill was presented, as was suggested, by the dissenters notwithstanding, no English child should

tion of the youth of both persuasions, they might be afforded schools to instruct their own children. This motion, being framed into a question, was debated near three hours. The Lord Creager and Halden, the Earl of Sunderland, and some other peers, made several speeches for the affirmative. But the Lord Bishop of Exeter, the Earl of Orkney, and the Lord Chamberlain, insisted on the negative, which was at last carried by 65 votes against 42.

After that a motion, That Dissenters might, at least, be suffered to have school-masters to teach their children to read, which, after a debate of about half an hour, was carried without dividing, as was also a clause, That the act should not extend to any person, who should instruct youth in reading, writing, arithmetic, or any part of mathematical learning, they except to singings, or new-mathematical, &c. only. There was one more third part of the Bill, namely, by the continuation of offenders after the act was left to the power of the parties, and, after a warm debate, it was carried by a majority of 65 against 42, that the continuance should be in the ordinary course of justice, against whom, names, professions, or residence in any of her Majesty's courts at record at Westminster, or at the assizes, or before justices of Oyer and Terminer. The court-party being, by this last division, that they lost considerable ground, and fearing, other amendments would be made, which would render the bill altogether useless, moved, that the chairman leave the chair, in order to adjourn. But though the court-party at first opposed it, yet, after some debate, upon the promise to be induced on the offenders, both parties being equally tired, the house adjourned to the next day.

June 22. The Lords resumed the debate about the Privileges, and fixed the issue to 3 months imprisonment; after which it was carried and agreed, 'That persons aggrieved might appeal from ecclesiastical censures, as in cases of arbitrary jurisdiction.' A clause was afterwards proposed and carried to exempt from the penalties of this act any tutor, who shall be employed by any nobleman or noblewoman, so much in their families, provided such tutor do, in every respect, qualify himself according to this act, except only in that of taking a licence from the bishop. The Earl of Argyll moved, That a clause might be inserted, to extend this act to Ireland; which after some debate was carried in the affirmative by the majority of one voice only. When the bill with these amendments was reported to the house, several speeches were made against the clause to extend the bill to Ireland; particularly by the Duke of Devonshire, Lord Lieutenant of that Kingdom, who was just returned from thence. But the question being put, it was carried by 67 against 53, that the clause should stand. The next day the bill was read the third time; and after a small debate, it was carried by 77 votes against 72, that it should pass.

When the bill thus amended was sent to the Commons, a small debate arose. Mr. Leves-

more and Mr. Walpole represented, 'That since the protestant dissenters at Ireland were made liable to the penalties of that bill, it was not just either to insert a clause to it, or to bring in another bill, to make them enjoy the benefit of the toleration act, passed in England in the last session.' But Mr. William Walsingham and Mr. Craggs replied, 'If there were persons living in such a bill, they hoped they should have leave also to bring in another or supplementary dissenters, from which it should be possible to make a man; upon which that matter dropped. On the other hand, several resolutions proposed, 'That the intent to increase the number of members of the House of Commons might be put on the same foot with those, who taught in the law; that a petition or address, as it being reasonable, in supposing, that the members of that house, in any of whom were so much interest to have a great increase in the both the number and power of dissenters, and an equal right to enjoy civil or those advantages.' Several members of both parties were of Mr. Stoughton's opinion. But Mr. Hangerford representing, That if a last amendment were made in the house might occasion the loss of the bill, the proposition of it caused the question to be put, and it was carried by a majority of 102 votes against 89, that the Commons agreed to the Lords amendments. On the 25th of June, the before-bill, with several additions, received the royal assent by commission. But it is observable, that very day it was to take place the queen departed this life, which accident broke all the measures of those, who had promoted that law, and rendered it in a manner ineffectual.

Protest against the Schism Bill. Against the passing of this bill, was entered the following Protest.

" Dissenters "

" 1. We cannot apprehend (as the Bill recites) that great danger may arise from the Dissenters, to the Church and state—Because, 1. By law no Dissenter is capable of any station which can be supposed to render him dangerous. 2. And since the several sects of Dissenters differ from each other as much as they do from the established church, they can never form of themselves a national church; nor have they any temptation to set up any contest among them: for in that case all that the other sects can expect, is only a toleration, which they already enjoy by the indulgence of the state; and therefore, it is their interest to support the established church against any other sect that would attempt to destroy it.—II. If, nevertheless, the Dissenters were dangerous, severity is not an proper and effectual a method to reduce them to the church, as a charitable indulgence, as is manifest by experience, their leaving them more Dissenters represented to the church were the Act of Toleration, than in all the time since the Act of Uniformity, or the case of the first Act of Toleration, and there is scarce one considerable family in England or Scotland who with the Dissenters' severity may

The Queen's Answer.] June 24. But the objection being established, the Address was unanimously carried, and, four days after, pronounced by the whole House to the queen, who told them, "That the hearty consent that shewed itself for the Pretendant's Succession, was very agreeable to her; and that she hoped, those consenters were from their honest hearts, respecting justice, and assisting the needs of her good subjects."

Proceedings of the Lords against the Pretender.] Three or four days after the end of Nottingham moved in the House of Lords for an Address of thanks for the Proclamation against the Pretender, and was seconded by the lord Halifax. The earl of Whariston, who likewise supported the motion, looking the queen's Proclamation in his hand, most pathetically lamented her majesty's errand, that her endeavours to remove the Pretender from Lorraine had been reflected. "Unhappy prince, (said he) how much is her conduct altered! Will posterity believe, that a good queen, who had reduced the rebellious power at France, giving a king to Spain, and whose very ministers have made the emperor and the States-General to tremble, should yet want power to make an petty, insignificant prince as the duke of Lorraine, comply with her just request, of removing out of her dominions the Pretender in her crown?"

The Lords' Address against the Pretender.] None of the peers spoke against the earl of Nottingham's motion, so that the vote was carried, and, the lord Halifax being immediately drawn up, and agreed upon, was, the next day, presented to her majesty as follows:

"Most gracious Sovereign,

"We, your majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in parliament assembled, in a just sense and acknowledgement of your majesty's goodness, return our most humble thanks for the Proclamation which your majesty, at the request of this House, has been graciously pleased to issue, for apprehending the Pretender, in case he should land, or attempt to land, in any of your majesty's dominions.—And since your majesty's instance for removing the Pretender from Lorraine, has already been reflected, we take this occasion to request our humble request and advice to your majesty, to endeavour, in the most proper and speediest manner, not only to remove the alliance your majesty had with the prince of Europe, but also to strike them, and particularly the emperor and the king of France, and the guaranty of the Pretendant's Succession as he has established, at the most remote House of Brunswick, and to drive them to join with your majesty, in pressing the duke of Lorraine, not to suffer the Pretender to remain in any part of his dominions.—And since the Papists and Jesuits are so insolent, so unready to support the Pretender's claim to your royal crown, by their writings and discourses, but also professedly to assist him into his service, and to send him to France, we have necessity

to stretch your majesty to issue out your Proclamations, promising a reward to all persons who shall discover to any of the magistrates, and cause to be apprehended, any persons who shall clandestinely land in person, or hath been listed in France, Spain or Ireland, into the service of the Pretender, or that shall carry on any private design.—And we do further pray your majesty to give orders to all your majesty's officers, and consuls, to put the laws in execution against the Papists and Jesuits, by taking from them their houses and rents, and confining them to their usual habitation, in such manner as by law is directed. And that your majesty will be pleased to require an exact account of their proceedings therein, to be transmitted by them, respectively, to your majesty in council, and in direct the same to be laid before the House at their next meeting."

The Queen's Answer.] Her majesty's Answer was as follows:

"My Lord, I thank you kindly for this Address. And I am glad you are pleased with what I have done for the Protestant Succession.—You may be assured I shall continue to do whatever I judge necessary for the securing our religion, the liberty of my people, and for putting an end to the vain hopes of the Pretender."

Debate in the Lords about a Bill to prevent sending Soldiers for the Pretender.] The lord Brougham, being drawn up to the House of Peers, just after the above Address was read, appeared a little surprised at that resolution, and said, "There was a more effectual way to secure the Succession in the House of Habsburg." Some members expressing their desire, that he would offer it to the House, he proposed a bill, to make it high-treason to land, or to be allowed into the Pretender's service. The lord Halifax represented, "That such a bill was altogether needless, both the Pretender, and all his adherents, being already attainted of high-treason. However, he should be glad such a bill were brought in, because, with some alterations, it might be made a very good one." The bill was accordingly brought in, and, on a motion of the whole House, of which the lord Brougham was chosen, the lords Halifax, Townshend, 4 viscounts, 5 earls, and Whariston, made it their business to draw, "That the Pretender was considerably of his credit, and not to be feared, but so far forth, as he was compassed and protected by the French king, whose interest and constant design was to overpower upon those realms." And thereupon they moved, and it was agreed, "That the title of the Bill should be, 'To prevent the landing her majesty's subjects to serve in all wars, without her majesty's license;' and that it should be 'high-treason to land, or to be listed, in any foreign prince, state, or person, without a license under the great seal of her majesty, her heirs or successors.' The following Proviso was likewise agreed to, 'That no license should be' without the express assent

given from the penitence of this act, who should live, or come to be lived into the service of his French king, until after the French king should have disbanded and dismissed all his regiments, troops, or companies of soldiers, which he had in his service, consisting of the Spanish-born subjects of Great Britain: that, until so long a time, the Bill was sent to the Commons, who gave it their concurrence.*

[*Debate in the Lords on the Spanish Trade.*] July 11. The Lords took into consideration the Trade to Spain and the West-Indies; and the earl of Nottingham made a glowing speech, that by reason of the encouragements, so which that trade was subjected by the explanation of the third, fifth, and eighth articles of the treaty of commerce between Great Britain and Spain (which explanation was made at Madrid, after signing the treaty at Luch), it was possible for our merchants to carry on that trade without certain loss. This was confirmed by the testimony of Mr William Hodges, and about thirty more eminent merchants, who, being called into the House, unanimously asserted, that, unless the explanation of those three articles were amended, they could not carry on their commerce without losing twenty or twenty-five per cent. It was observed, the Treasurer joined with the Lords, who insisted on the hearing of the Spanish merchants, which was strenuously opposed by the lord Bolingbroke. But, after a long debate, it was resolved to address the queen, for 'All the papers relating to the negotiation of the Treaty of Commerce with Spain; with the names of the persons, who advised her majesty to that Treaty.' The queen sent no answer. "That, being given to understand, that the three explanatory Articles of the Treaty of Commerce with Spain were not detrimental to the trade of her subjects, she had consented to their being ratified with the Treaty." The queen making mention of the persons, who had advised her to ratify those explanatory Articles (which was the chief design of the address), several members excepted against the address as unparliamentary. And, among the rest, the earl of Wharton and the lord Rutland expressed, "That, if in little regard was shown to the addresses and applications of the subject, attended to the merchants, they had no business in that House;" and moved, that a Representation be made to her majesty, to lay before her the insupportable difficulties, that at-

* "This, and other provisions against the Pretender, served the same purpose, because his friends were by this time grown to that height of arrogance, as publicly to assert his right, and drink his health. To this purpose, above an hundred Irish papers had a line at the bottom in the third, where the lord Fingal was always inserted, and all the cases were adorned by a printed ticket, in which was the image of a pope, or popish priest, reading history under Sept." (*ibid.*).

tended the Spanish Trade as the root of the late struggle which was agreed to. It was also moved, That the House should send on her majesty's naming the persons, who advised her to ratify the three explanatory Articles. But this motion wanted of that vote, which was thought necessary to pass that motion, and engaged Arthur Moore.

The next day, the Lords proceeded to the consideration of the Spanish Trade, and to the consideration of the Commencement of Trade and Plantations. The earl of Wharton and secretary, "He did not doubt but one of those gentlemen could make it appear, that the Treaty of Commerce with Spain was very advantageous," which was moved of Arthur Moore, who had the chief management of that affair, and who contradicted himself in his answer to several questions, asked him by the lord Casper about the three explanatory Articles. This was aggravated by the confusion of the other Commissioners, particularly of Mr. Robert Markham, who declared, Mr Moore only need consent to those articles, without giving them time to examine the same. Besides which Mr Poppel, their secretary, deposed, that Mr. Moore had shown him a letter of a French man named Drey, directed to don Antonio Moxo, importing in substance, "That he must not expect the Spanish loan done per annum, that had been promised him, unless he ratify the three explanatory Articles ratified." Though the Lords came to no resolution about that affair, at a general court of the South-western company, upon a full hearing of a complaint of captain Johnson, it was resolved, "That Arthur Moore, who a director of that company, was prone to and encouraged a design of carrying on a clandestine trade, to the prejudice of the corporation, contrary to his oath, and in breach of the trust reposed in him, and that, for such his breach of trust, he be declared incapable of being a director of, or having any other employment in the company." This motion made a great noise, and was highly owned by the lord Bolingbroke.

July 18. The Lords examined Mr. Rowden, Secretary to the Treasury, and Mr. Taylor, first clerk, concerning the American Contract. They concluded, that they were only concerned as witnesses for the quarter part of the American contract reserved for the crown, and that those persons, to whom unknown that who were wrongly supposed to be the lord Bolingbroke, the lord Albemarle, and Mr Arthur Moore) were to have the benefit of it. The lord Casper having represented, "That the secretary and witnesses, in which the South-west company had a long time been lost, whether her majesty would return to them, or give to the Company, the quarter part of the American contract reserved to her, had been the principal shareholders in the Company's carry on that trade;" the earl of Wharton moved, for an Address to the queen, "To give to the South-west Company, not only that quarter part of the American contract, but also the $\frac{1}{4}$ per cent granted to

Managers Collage, and any other profits arising from that company? But, the question being put, it was carried in the negative by 50 votes against 45. After this, on the part of England's nation, it was resolved by 55 votes against 45, to present an Address, to return thanks for her majesty's having so generously given, not only incomes for two ships of 500 tons each, and the Assiento Contract; but also the quarter part, which she employed, at first, to reserve to herself; and that she would be pleased, that such other advantages, which were, or might be, vested in her, might be disposed of for the use of the public. This day's debate took up the Lords till nine o'clock in the evening; so they had no time, in some Whig Lords dropped it, to proceed to the contents of Mr. Moore.

July 9. The Queen's Answer to their Address was reported. "That she always had a great affection for the address of her House; and, as to the particulars desired, she would dispose of them, as she should judge best for the service." The latter part of this Answer was very ill received by the Whig Lords; and some members took occasion to complain of the queen's silence in relation to the persons, who advised her to ratify the three explanatory Articles.

QUEEN ANNE'S LAST SPEECH TO HER PARLIAMENT.] The same day, the Lottery-ball being ready for the royal auction, the queen went to the House of Peers, and put an end to the session with the following "Speech to both Houses."

"My Lords and Gentlemen;

"The progress, which has been made in public business, and the season of the year, render it both convenient and necessary, that I should put an end to this session.

"Gentlemen of the House of Commons;

"I return you my hearty thanks for all your good services to me and to your country, and particularly for the supplies you have put on me, as well to defray the expences of the current year, as towards the discharge of the national debts. In our present circumstances, it could not be expected, that a full provision should be made on both these heads. What you have granted shall be laid out with the best husbandry, and to the greatest advantage.

"My Lords and Gentlemen;

"I hope early in the winter to meet you again, and to find you in such a temper, as is necessary for the real improvement of our commerce, and of all the other advantages of Peace. My chief concern is to preserve to you, and to your posterity, our holy religion, and the liberty of my subjects, and to secure the present and future tranquillity of my Kingdoms. But I must tell you plainly, that these desirable ends can never be attained, unless you bring the most dispassionate and your party; unless all groundless jealousies, which create and foster divisions amongst you, be laid aside; and unless you direct your united regard

for my just prerogative, and for the honour of my government, as I have always expressed the right of my people."

When the queen had ended her Speech, the parliament was prorogued on the 10th of August, but she died before that day came.

Queen's Reply among the Ministers.] Immediately after the rising of the parliament, the divided among the ministers came to an agreement. The Treasurer, ever since he had received the staff, had kept to himself the principal direction of domestic affairs, and the disposal of most places of profit; and, by the credit and interest of his post, and favour with the queen, had procured advantageous alliances for his children, brought great riches into his family, and advanced all his relations, while the conduct of foreign affairs lay on the lord Bolingbroke, who, as he was less conspicuous in the prosecution of bold measures than the Treasurer, had therefore the larger share of the public odium, without any other advantage than the profits of his office, most of which he lavished away in various pleasures. Being a man impatient of expensures, he had frequent warm expostulations with the Treasurer, who, thinking himself secure in the queen's favour, and in his interest with the parliament, disregarded his complaints, by which the Secretary was still more enraged. Their private disputes would often have ended in an open quarrel, had not the queen, moved by the character and lady Masham, as often reconciled them, or rather, had not their confederacy in the late measures, made them respect their mutual interest to conceal their common safety. But, as soon as the danger was over, by the parliament's solemn approbation of the Peace, it appeared, there was an unaccountable rivalry and enmity between them. Before that last struggle, the Treasurer, rather tending his services, declining at court, or disposing of the queen's life, and apprehending the consequences of the late steps, brought himself to a timely retreat; and, to that end, endeavoured to reconcile himself to the Whigs. He tried to gain the friendship of the lord Cowper, who had the greatest weight amongst them; and, with that view, proposed him to be chosen umpire between his son, the lord Harley, and the lord Pelham, in a controversy about the inheritance of the late duke of Newcastle. But the lord Cowper contented himself with withdrawing the matter according to the strictness rules of equity, and with doing justice to the son, without expressing the interest of the father. On the other hand, the Treasurer expected to be strongly supported by the duke of Devonshire, who had distinguished himself in the extreme bulk of the savings and of the public, and whose late behaviour in Ireland had endeared him to the well-affected in the Hanover succession. But the duke, justly resenting the neglect of the ministers, while he was in Dublin, was very much unconcerned about them, when he came to London, and rather inflamed their resentment than diffused it, by complaining to the

queen of some orders, that had been sent him, which he thought inconsistent with her majesty's and the nation's service. Notwithstanding these disappointments, the Treasurer formed a design of removing his competitors, as the best means to approve his affection to the Princess's interests, and therefore set Mr. Robert Montagu against Mr. Arthur Moore (who just Buckingham's creature) who narrowly escaped a censure in the House of Peers, in which the Treasurer hoped the Secretary might have been involved. But, in this very instance, the Treasurer found he had lost considerable ground at court, the queen having thought fit, in the last Buckingham's desire, to put a sudden stop to that enquiry. And it appeared another, that, by his excessive interest with lady Masham, by the assistance of the lord chancellor, by his tampering the queen's natural inclinations, and boldly pursuing the measures she had entered upon, the Secretary entirely repaid her trust in her favour and confidence.*

The Treasurer, in the situation of his affairs, wrote a Letter to the queen, and with it sent her an Account of Public Affairs from August the 28th, 1710, to June the 8th, 1714† in which he endeavours to justify his own conduct, and expose the unwary, credulous, and unbusiness spirit of lord Buckingham. But this had not the intended effect upon the queen.

The Lord Treasurer Oxford removed.‡ While the court was in the ferment, something happened, which hastened the Treasurer's disgrace. Some pretend, the lord Buckingham had intelligence, and informed the queen of the Treasurer's sending the duke of Marlborough to come over (for which purpose the duke was indeed arrived at Oxford) and of his private conferences with several Whig Lords, where, that he was suspected of discovering the queen's councils to the court of Hanover, and even of putting them upon demanding a vote for the duke of Cambridge; whereupon, that he was both against the scheme of sending the army, and the project of a new alliance and defensive league between Great-Britain, France, Spain, Sweden, and Sicily: and where, still, that the queen was extremely angry at his pressing to send orders to Ireland without consulting with her or the council; and that the duke of Shrewsbury managed on his removal, which the duke of Marlborough had made a previous condition of his return to England. But a certain Author (who writ in his dedication) plainly asserts, that his disgrace was entirely owing to his attachment to the house of Hanover, whose interests he everywhere was resolved to pursue. However this be, on the sixth of July the Chancellor (who had retired into the country for a few days) was sent for to haste; and the next day was in close conference with the queen and the lord Buckingham: after which it was generally reported, the Treasurer would be speedily re-

moved. It was said at the same time, that, in reflecting his fall, the queen designed to bestow on him an annual pension of 5,000*l.* for life, with the title of duke of Newcastle; and, upon her recommendation, to give the title of earl of Clarendon to the lord Pelham. But, contrary to his own, and indeed the general expectation, when he came to court on the 27th of July the staff was taken from him, rather with acknowledging than agreeable circumstances. It is certain, that severe reproaches passed, as the queen's hearing, between the falling ministers, and the Lord Chancellor, and the lady Masham, whom the Treasurer had attended some days before, by making a dinner to a guest she had obtained of 2,000*l.* a year, and whose he looked upon as necessary to his disgrace. He told them, 'He had been wronged, and abused by lies and misrepresentations; but he should be revenged, and leave some people as low as he found them.' These expostulations could not but shock the weak queen, and give her every suspicion of her being abused and deluded by one or two, if not by all three, of her principal ministers. It is pretended, that in this agitation of thought, which opened her eyes, she resolved to reprove herself wholly in the conduct of the duke of Shrewsbury. But it can hardly be supposed, that in her condition, she was capable of forming a resolution so inconsistent with her late measures. It is far more reasonable to imagine that the lord Buckingham, having gained to great an ascendancy over her, was most likely to succeed the earl of Oxford in the management of affairs. This is certain, the very day, the Treasurer was removed, the lord Buckingham entertained at dinner the persons Boyle, Cadogan, and Pelham, or William Wyndham, Mr. Craggs, and some other gentlemen, whose meeting, of men of such opposite principles occasioned various speculations. The most probable conjecture was, that the lord Buckingham, considering he could not depend on the queen's favour to accomplish his designs, and foreseeing a storm, he could not be able to weather, resolved to strike in with the Whigs, and to create over the duke of Marlborough, in which he had reason to expect better success than he has met, with whom the duke had never to be reconciled. Some other particulars were at that time mentioned to corroborate these suggestions. But though the duke of Marlborough, after having been detained about a fortnight by contrary winds, did, at the very time, embark at Oxford for England; yet the true nature of his coming at this critical juncture is not certainly known. It appeared plainly, however, soon after, that, whatever were the lord Buckingham's thoughts and views at this time, the main design of the Whigs was to influence the ministry between him and the earl of Oxford as the readiest way to run things back.

Great Confusion of Court. § The Treasurer's removal was so sudden, and occasioned such confusion, that no scheme was either formed

* Hogen. Tindal.

† See Appendix, No. IX.

or agreed on, to supply his place, and to fill up such other vacancies, as were successively attended his degress. A cabinet-council, or rather chamber-consultation, was indeed held in a hurry, the very night the earl of Oxford was removed, and several persons were proposed to manage the treasury, which was designed to be put in commission. Their number was to be five, of which Mr William Wyndham, ex-chancellor of the Exchequer, was to be one; but the choice of the other four perplexed both the peers and her councillors. It is said, the persons named were the lords Bolingbroke, Paper, Lexington, Rochester, and Nicholas; the lord of London, Mr Henry Boyle, and Mr Bridges, or John Packerings, Mr Compton, Mr. Hill, and some others. But, whether there were four or more in nomination, it is certain, no resolution was taken as to the choice of any four, either as that first consultation, or in the council held the next morning; several persons who had been proposed, and spoken so, having declined to accept a public employment in such a position. On the 25th of July, the cabinet-council was to have met on this matter still; but their meeting was deferred to the next day, by reason of the queen's indisposition, which, she was sensible, was occasioned by the late quarrelling against her services, having amounted to one of her passions, "That she should not survive it."

THE QUEEN'S SICKNESS AND DEATH

INTERMITTENT, both of a dispute, to which she was no witness, and the consultation upon it, which lasted till near two o'clock in the morning, accompanied each other; and it was one of the queen's agents, as could not be denied, according to Dr Staden's opinion, the usual discharge of the superfluities in her leg, so that the gouty humors, circulating still upon the brain, was the immediate occasion of her death. On Thursday morning (July 25), the queen finding herself much eased with a strong heaviness, and a shooting pain in her head, the physicians judged proper she should be rapped, which she liked better than bleeding, and which, in the same symptoms, had often given her ease. The queen was now remarkably relieved by it, went to bed at the usual hour; slept pretty well till three o'clock on Friday morning (July 26), when she awoke, and finding something heavy on her stomach, and nothing to vomit, she brought up some matter, and then lay down herself to sleep. Towards seven o'clock she awoke again, and, finding herself pretty well, rose from bed, and got her hair combed. Then done, towards eight, she went to look at the clock; and Mrs. Darvill, one of her bed-chamber women, taking notice, that she found her eyes looking intently at, and saying, "When she drew in the clock more than ordinary?" The queen answered her only with waving her head, and a flying look; at which Mrs. Darvill being frighted, she called for help. The physicians judging she was seized with a fit of apoplexy, ordered her to be let blood; upon

which she came in herself again, and was pretty quiet till a hour after noon, when she was seized with a second fit of heaviness and drowsiness, which increased so much upon her, that it seemed as though she was speaking but senseless. Those about her judging, she was either dead, or near expiring, the doctors of Gray's Inn, on the ladies of the bed-chamber, then in waiting, went, with all speed, a messenger to fetch her husband, with the melancholy news, which being brought to the committee of council, was attended at the Cockpit, they immediately went to Kensington. In the meantime the physicians thought fit to give her upon a vomit, which not having all the desired effect, they administered another medicine, prepared by Dr. Mead, upon which she recovered her speech and voice.

The doses of Rhenish and Apple, being in favour of the queen's desperate condition, immediately applied to Kensington, and, when being consumed, went into the crown-chamber, where the lord-chamberlain, the duke of Shrewsbury and Gloucest, the three secretaries of state, the bishop of London, and some others, were in a consultation. It is easy to imagine, that some of them were surprised at their coming in; but, after they had explained the hazard with the queen, which brought them thither, the duke of Shrewsbury entered them thanks for their readiness to give the council their assistance in that critical juncture. Then they took their places, and moved, that the physicians might be examined, and ordered to give an account in writing of the queen's illness, which they did. After this, one of the council represented, how necessary it was, in case the queen died, that the place of lord-treasurer should be filled, so which the whole board agreeing, the duke of Shrewsbury was proposed, and unanimously approved, as the fittest person for that high trust. Sir Richard Blackmore, Dr. Staden, Dr. Mead, and the other physicians, who were examined, having assured the council, that the queen was sensible, the Chancellor, with the duke of Shrewsbury, and some other lords, were ordered to attend her, and by before her the succession square of the crown; upon which she said, "They could not recommend a person she liked better than the 'duke of Shrewsbury,' and, giving him the sovereign's seal, bid him 'use it for the good of 'her people.' The duke would have returned the lord-chamberlain's staff, but she desired he would keep them both; as the same person was at once possessed of three of the highest places of trust, honour, and profit, under the crown of Great Britain, being lord-treasurer, lord chamberlain, and lord-lieutenant of Ireland. The duke's advancement in the post of lord-treasurer immediately changed the face of affairs; he filled the lord Bolingbroke's schemes; altered the friends of the Pretender; and moved the spirits of the wall affected to the Hanover succession. Upon the removal of the duke of Somerset and Apple, it was agreed, that all party considerations, in or about London, without

injection, showed herself; which the lord Bessborough, and some other friends to the house of Bessborough, did that very day.

About three o'clock in the afternoon, the queen relapsed into a lethargy or apoplexy fit, and of which she hardly recovered by the application of the spirit of oil common to her country. The physicians thought it to apply blisters, but, at the same time, accompanied the countess, that the queen's life was in the greatest danger, and entirely depended on the effect of the last remedy.

The queen continued all night in a lethargy fit, which increased to such a degree about ten o'clock on Saturday morning (July 31), that all the physicians despaired of her life. Upon this the privy council sent orders to the heralds at arms, and to a troop of life guards, to be on readiness to attend, in order to proclaim the elect of Brunswick king of Great Britain. At the same time, they wrote a letter to be written to the electoral prince, to acquaint him "With the extreme danger his queen's life was in; with the measures they had taken to attend the queen to him; and to desire him to exert, with all convenient speed, to Holland, where a British squadron, that was fitting out with all possible expedition, would attend him, and bring him over, on case of the queen's death." This letter was that very morning sent express by Mr. James Cragg, and with him orders were despatched to the earl of Sandwich, to desire the Secret Council to get ready to perform the ceremony of the Protestant Succession, if need should require.

The queen gave some signs of life between twelve and one o'clock, and took some spoonfuls of broth. She conversed in a lethargic condition till about six in the afternoon, when, her pulse leaving a little faster and higher, she about her began to entertain some hopes. But the blessing not having had the desired effect, she expired on Sunday the 1st of August, a little after seven o'clock in the morning, having lived forty-one years, five months, and six days, and reigned with a years and five months, visiting seven days. She was not able, either to move or the Sacrament, which the bishop of London was ready to administer, so to sign the draught of a will, whereby she directed her burial to be in the same manner and place with her late royal consort; and in which she had before so many of her servants.

Queen Anne, as to her person, was middle sized, and well made, but not so regular as her sister queen Mary. Her hair dark, having her complexion sanguine and ruddy; her face round, rather convex than sunken, her features strong and regular, and the only blemish in her face was owing to the deficiency she had, when young, in her eyes, which left a contraction in the upper lids, and gave a cloudiness to her countenance. Her brow was smooth, and hands beautiful. She had a very good ear for music, and performed on the piano, an instrument formerly much in vogue. Her voice was remarkably tender and harmonious,

and, which particularly appeared, in the graceful delivery of her speeches to the parliament. She was richly adorned with a regal affection, and a profound indolgent mother. She was liberal though an enemy to luxury and profligacy. She was very reserved, and in all considerations of life, she required a strict attendance from all persons in their respective stations, the herself being nearly abstracted of all the concerns of a court.

The exercise she principally loved was dancing, which she practised in her chamber; but the gout increasing upon her, and growing extremely acutely, she desisted that and other dissipation, confined to her bed, which perhaps might have been longer protracted, had she not sat so much, as melancholy devoted to her son from her father, who was almost as much, but from her mother.

It was her wish appears not to be much acquainted with our English history, and the accounts of her predecessors, whereas, queen Mary was extremely well versed, not only in our own, but the histories of other countries.

Her religion may be called the other, not one person having been exempt, at least I should, nor women, during the whole course of it; which cannot be said of any reign since the time of Edward 1, who died in 1272.

Queen Anne was the mother of queen Elizabeth, which queen Anne is owed upon her retirement to the throne, and which is it the present with the same resolution and readiness, she might have extended her in glory and honor. But in one thing she was very unlike queen Elizabeth, when she prepared for her patients. Queen Elizabeth was the sparing of her husband, and a man more than devoted to before he could obtain so much as a kingdom at her hands. Whereas queen Anne made many poets of the reader at court, than the other did in a reign of forty-five years. Indeed, her great grandfather king James, was the one that was inclined to suffering to court, where a sample was but too much followed by his descendants; so that queen Anne was not singular in that respect, except in creating so many together, for as and that will remain a blessing upon her administration, so long as history endures.—In queen Anne ended in a loss of the throne, there more and desires may be right stated, by considering what their regards or disregard were to the welfare of Europe, to the union and strengthening of the protestant interest; and in the quiet and prosperity of their subjects. In order to make up such an account duly and accurately, many important materials are still wanting.—There had been a new vault made on the south side and towards the east end of Henry 1st's chapel, to deposit the body of king Charles 1, in which also prince, queen Mary, king William 3, and prince George of Denmark were laid. Hence the remains of queen Anne were taken and deposited, and there being no more room left, the vault is closed up with brick-work.

APPENDIX.

A P P E N D I X

TO
VOL. VI.

N^o I.

PROCEEDINGS IN THE PARLIAMENT OF SCOTLAND; FROM THE MEETING OF THE NEW PARLIAMENT UPON THE 5TH OF MAY, 1702, TO THE UNION WITH ENGLAND, IN THE YEAR 1707. INCLUDING THE SPEECHES OF CLITHER OF SALTOON, &c. &c.

LIST of the New Parliament,] May 5, 1702
The day the New Parliament met at Edinburgh. The following is,

A Table List of the Lords, Barons and Burgoesses in this present Parliament at Scotland, met at Edinburgh upon the 5th day of May, 1702.

His grace James, Duke of Queensberry, Lt. High Commissioner.

" " While the queen was bestowing her favours on the church-party in England, some alterations were made in Scotland, which were to advantage to the Anti-revolutioners and Episcopians, as they were displacing to the Presbyterians. The earl of Marchmont, lord chancellor; the earl of Dalry, president of the council; earl of Selkirk, lord register; Adam Cockburn, of Grouston, treasurer-deputy; Mr John Macnair, of Pollock, justice-clerk; earl of Leven, governor of the castle of Edinburgh, and the earl of Hyndford, one of the secretaries of state, were all high-souls. On the other hand, the duke of Queensberry and the lord viscount Tipton, were much secretaries of state; and the earl of Bedford, chancellor; the marquis of Annandale, president of the council; the earl of Tullibardie, afterwards duke of Argyll; lord presbytery; the lord Boyle, treasurer-deputy; Mr. Frederick Mackenzie, of Finsburgh, justice-clerk; Mr James Murray, of Philipburgh, lord register, and the earl of March, governor of Edinburgh-castle. And though all these, except the earl of March, took it or made the revolution, less deeply engaged against the interest of King James and his family, yet the duke of Queensberry and the two dependants, the lord Boyle and Mr James Murray, pretended to be quite of another mind. The marquis of Annandale, and Bedford, and viscount Tipton, valued themselves upon having, once, opposed King William, and the marquis, every body believed, would, if

THE SOCIETY,
James Ogilvie, Earl of Seafield, Lord High Chancellor
William Johnson, M. of Annandale, Lord High Treasurer, Lord President of the Secret Council.
John Murray, Duke of Argyll, Lord Keeper of the Privy Seal.

March, 5.
James Hamilton, D. of Hamilton

boldly dealt with, go along with the prevailing party. But, before the change in the ministry was perfected, the accounts of the lands provided by the last parliament, and the difficulties in collecting them, rendered it absolutely necessary to call a new parliament to sit in the spring of the year 1703. And therefore the earl of Seafield, then secretary of state, came down from London to Scotland, to influence the elections, which, by a concurrence of several accidents, were so managed, that a greater number of Anti-revolutioners were chosen than had been known in any former parliament. At the same time, duke Hamilton, and some others, who had been the greatest persecutors of the Presbyterians, set up for patrons of the Episcopal clergy, and obtained from the queen a lease to the privy-council at Scotland, wherein, among other things, she said: " We do, at the first place, recommend to your care the church now established by law, in its accustomed and true possession, such as synods, presbytery, synods, and general assemblies; as also in the exercise of their holy functions, and in what concerns their permits and benefices. We are informed, that there are many Dissenters who, when they differ from the established church in opinion, as in church government and form, yet are of the Protestant Reformed Religion, some of which are in possession of benefices, and whom we wish their standing in meeting-house. It is our royal pleasure, that they should be separated in

James Scott, Dutch, of Haddingburgh
 J. L. Lewis, D. of Leith
 Geo. Gordon, D. of Gordon
 James Douglas, D. of Queensberry
 Archibald Campbell, D. of Argyll
 Arch. Douglas, D. of Douglas
 John Murray, D. of Ardshele.

MANCHESTER, 4
 James Graham, M. of Haddingburgh
 John Hay, M. of Leith
 Wm. Carr, M. of Leith
 Wm. Johnston, M. of Annandale.
 PARIS, 72.
 John Lindsay, E. of Crawford

five, notably to the Reformed Religion, which they profess, unanimously to our laws, dutifully and capably with relation to the church established by law, as good Christians and subjects; and, in so doing, that they be protected in the peaceable possession of their religion, and in their persons and estates, according to the laws of the kingdom. And we recommended to the clergy of the established discipline their living in brotherly love and communion with such Dissenters."

"Encouraged by these assurances, and the queen's expressed assurance that she would maintain the church of England, and even the loyal number of it, in all their just rights and possessions; the Episcopal clergy framed an address, to which with great pains and many indirect methods they procured many subscriptions, and which was presented to the queen, the 19th of March, by Dr. Stennet and Dr. Scott, introduced by the duke of Queensberry (who some days before had been appointed high-commissioner) and veteran Turbot.

"The queen, in her answer, assured them of her protection, and endeavoured to supply their necessities as far as conveniently she could, and recommended to them to live in peace and Christian love with the clergy, who were by law invested with the church government in her several kingdoms of Scotland.

"The next thing, which the members of the revolution approved to their advantage, was a proclamation of indemnity published by the queen, on the 6th of March, 1706-8. It was set up for a statute by the new ministry, that all the Jacobites were to be received home; and therefore the proclamation was of a very large extent, indemnifying all persons for all treasons committed before April last, without any distinction of time for their coming home to accept of the grace, and without demanding any security of them for the future. Upon this, considerable numbers of Jacobites came over to Scotland from St. Germain's and other parts of France, though they had foreseen their loss to the law by corresponding with the enemy, and protesting against the government in King William's reign. Some of them pretended to be new converts, and together with others at home, who had stood out all King William's time, qualified themselves to sit in parliament by taking the oaths. The Anti-revolutionaries, being paid off the occasion of strength, thought themselves in a condition to present their protest to the government, and caused notice to be sent to the king.

"This was the posture of affairs in Scotland, before and at the time, when the queen found it necessary to satisfy the nation by calling a

new parliament. The Episcopal party thought themselves so secure of a majority, that they, every where gave out, they should be able to vote down Presbytery, and to restore patronage, or at least to carry a toleration, so as their own clergy might be called to freedom, as well as the Presbyterians. Nor did they confidence themselves in branding the Presbyterians of Scotland, but they flattered themselves also with the hopes of mortifying the Revolution-party of the Church of England, and that they were prompted to expect by a Scotch country gentleman, named out in 1694 for refusing the oath to King William, whom they had once employed as their agent at London, and who, upon discharge of that prison, in a letter to those who employed him in Scotland, expressed himself thus: "The church of England was in much need of order during the late reign, that it will take some time to put matters right, which her majesty is ready to assist me to work all convenient hours." Thus they endeavoured to spread the belief, that the queen was their friend, while the greater part of them not only refused to swear allegiance to her, but some of those who had taken the oath, made so scrupulous openly to confirm, that they swore to her only as a Tutor or Regent, during the minority of her supposed son. By this it appears, that the whole kingdom of Scotland was in a ferment at the setting down of the parliament. The country party (which took its rise from the allies of Darien, and had deposited the loyalty of the noblemen of the convention-parliament) of which duke Hamilton and the marquis of Tweeddale were the leaders, started upon the oaths of those gentlemen, which the country believed under to the former reign. The Presbyterians in general, and others of moderate principles, who were headed by the duke of Argyle, were started at the bold proclamation of the Anti-revolutionaries, of whom the earl of Hume was chief. This divided the country party among themselves; for, most of that party in the late reign being Haverdhamites, they were jealous of the new accession of Anti-revolutionaries; and therefore it was not possible for them to concert measures together. These Jacobites were largely aided by new accessories, which the Anti-revolutionaries had made of their sentiments in Scotland and elsewhere; that they were against restoring the several steps of the revolution, and the proceedings of King William's parliament on that head; but thought best to pass a vote as a thing extraordinary and out of course, and delayed, that all parties might be safe enough under the shelter of her Majesty's general in-

John Hay, E. of Hazel
 Wm. Keith, E. of Marischall
 Geo. Gordon, E. of Southesk
 John Archibald, E. of Mar
 ——— Gordon, E. of Newburgh
 John Leslie, E. of Rothes
 ——— Douglas, E. of Morton
 David Erskine, E. of Buchan
 Wm. Cunningham, E. of Glencairn
 ——— Montgomery, E. of Eglinton
 John Herries, E. of Canis
 John Sinclair, E. of Caithness
 Charles Stuart, E. of Murray
 Wm. Maxwell, E. of Mablethorpe
 George Seton, E. of Winton
 E. Livingston, E. of Lathgus
 Charles Home, E. of Home
 J. Drummond, E. of Perth
 Wm. Fleming, E. of Winton
 John Lyon, E. of Strathmore
 The Hamilton, F. of Almaroon
 John Kerr, E. of Roxburgh
 Alexander Gordon, E. of Kelso
 Tho. Hamilton, E. of Dalkeith
 James Stuart, E. of Dalrymple
 John Macdonald, E. of Lonsdale
 Wm. Mackenzie, E. of Seaforth
 ——— Hay, E. of Kinross
 Hugh Campbell, E. of Loudon
 ——— Creech, E. of Dunfermline
 ——— Alexander, E. of Yarrow
 Tho. Bruce, E. of Elgin, (now Earl of Ailesbury)
 James Carnegie, E. of Southesk
 Chas. Stuart, E. of Traquair
 ——— Hay, E. of Anstruther
 ——— Wemyss, E. of Wemyss
 Wm. Ramsay, E. of Dalrymple
 James Ogilvie, E. of Auldy
 John Ogilvie, E. of Fifehead
 Robert Dalziel, E. of Camrook
 Geo. Livingston, E. of Callendar
 David Leslie, E. of Leven
 Leonard Tolmie, E. of Dyro
 James Muir, E. of Panmure
 Ch. Hamilton, E. of Selkirk
 Da. Carnegie, E. of Northesk
 Alex. Bruce, E. of Kinnaird
 Col. Leary, E. of Balcarney
 Archibald Douglas, E. of Forfar
 Charles Gordon, E. of Abern
 ——— Livingston, E. of Newburgh
 Wm. Hay, F. of Kilmarnock
 Wm. Cockburn, E. of Dundonald
 ——— Douglas, E. of Dunbar
 John Keith, E. of Mar

Geo. Campbell, E. of Breadalban
 George Gordon, E. of Aberdeen
 Charles Murray, E. of Dunmore
 George Melville, E. of Melville
 Geo. Hamilton, L. of Orkney
 John Hamilton, E. of Rathglen
 William Douglas, E. of March
 Patrick Home, E. of Marchmont
 James Ogilvie, E. of Seaforth
 John Carmichael, E. of Hamilton
 George Mackenzie, E. of Cromarty
 John Dalrymple, E. of Stair
 Arch. Fraser, E. of Roscherry
 James Stuart, E. of Mount Stuart
 Charles Hopson, E. of Hopson
 David Boyle, E. of Glasgow
 ——— ——— ———
 Robert Curry, V. of Falkland
 Edward Conyngham, V. of Drumbar
 Edward Murray, V. of Stairmont
 Wm. Gordon, V. of Roseneath
 Rob. Arbuthnot, V. of Arbuthnot
 ——— Creech, V. of Dunfermline
 Arch. Bruce, V. of Kington
 Robert Macgill, V. of Goudal
 Arthur Ingram, V. of Irving
 Jn. Livingston, V. of Kilsyth (of Leith)
 Thomas Osborn, V. of Dunblane, (now Duke
 Wm. Chalmers, V. of Newblane
 Jn. Drummond, V. of Strathallan
 Thomas Livingston, V. of Tenet
 Thomas Hay, V. of Dalrymple
 John Crawford, V. of Kilsyth.
 1702, 42.
 Wm. Forbes, L. Larches
 ——— Fraser, L. Salton
 Patrick Gray, L. Glen
 ——— Stuart, L. Gleditsie
 Adam Cathcart, L. Cathcart
 Henry Sinclair, L. Sinclair
 ——— Douglas, L. Morfington
 Francis Scobie, L. Scobie
 John Elphinstone, L. Elphinstone
 Charles Glynn, L. Glynn
 ——— Fraser, L. Lovat
 ——— Northesk, L. Northesk
 Wm. Ross, L. Ross
 Wm. Sandilands, L. Trochard
 ——— Lindsay, L. Spynie
 David Leslie, L. Leodis
 John Elphinstone, L. Balvennoch
 Walter Stuart, L. Bontyre
 ——— Ross, L. Carron
 Wm. Cranstoun, L. Cranstoun
 ——— Dalrymple, L. Dalrymple
 Wm. Curry, L. Jedburgh

demerit. The revolutioners knowing well, that according to the whole constitution of the kingdom, general pardon granted out of parliament afforded but little safety, when questioned in parliament, despised the motion, and thought fit to leave those to plead the indemnity, who believed they needed it, but conceived themselves not to be of that number, and therefore pushed upon a parliamentary ratification of the revolution. This they judged to be the

most effectual way to prevent afterwards from the opposite party, whose designs became more suspicious by their wanting so a dissolution of the purpose of liberty, which was a great oath upon the Papist Highlanders, and equal pretence of denials, the great struggle of the Anti-revolution party. In this dispute of affairs the parliament met at Edinburgh, the 6th day of May 1703." Dalziel.

———— *Dromondy, L. Moderator*
 ———— *Elphinstone, L. Clerker*
 ———— *Napier, L. Napier*
Thomas Forbes, L. Casseres
 ———— *Richardson, L. Cromwell*
 ———— *Mackay, L. Rae*
William Forrester, L. Forrester
Alexander Forbes, L. Pringle
 ———— *Macdonald, L. Richardson*
Charles Fraser, L. Fraser
William Hamilton, L. Begg
George Haydon, L. Hay
Patrick Murray, L. Elphinstone
David Paterson, L. Hallerton
John Henderson, L. Bathurst
 ———— *Spalding, L. Abernethy*
James Buchanan, L. Dalrymple
Robert Bell, L. Bell
 ———— *Caird, L. Caird*
 ———— *Kilgus, L. Dalrymple*
 ———— *Rutherford, L. Rutherford*
John Buchanan, L. Buchanan
 ———— *Leith, L. Newark*
Wm. Nairn, L. Nairn
John Church, L. Eyre, now Duke of
Northampton
Francis Abernethy, L. Glasgow
David Collier, L. Portman

OF THE HOUSE OF COMMONS

Geo. Mackenzie, E. of Cromarty, Lord Secre-
tary [Speaker]
Mr. James Murray, of Fifehead, Lord R.
for Ja. Stuart, of Goodenough, Lord A. for
D. of Dalrymple, L. of Glasgow, Lord Treasurer
Temp. [Justice Clerk]
Mr. Robert Mackenzie, of Perth, Lord

COMMONS—HOUSE OF COMMONS, 85.

Edinburgh, 1.
Sir Robert Dundas of Arncliffe
Sir James Fergusson of Carrington
Sir Robert Dundas of Inverclyde
George Lockhart of Carnwath
Widdows, 4.
Sir John Lauder of Fountainhall
Andrew Walker of Salton
Wm. Miller of Dalmeny
John Cockburn of Ormiston the younger.
Bowen, 4.
Sir John Haug of Blackadder
Sir Robert Dundas of Longformacus
Sir Patrick Gordon of London
Sir John Stewart of that Ilk.
Edinburgh, 4.
Sir Wm. Ker of Greenock
Sir Gilbert Elliot of Minto
Wm. Bannat of Craib
Archibald Douglas of Cavers
Salter, 1.
Mr. John Murray Adams
Mr. John Paine of Haddington.
Perth, 2.
Alexander Hume of that Ilk.
Wm. Murray of Portmarnock.
Leith, 4.
Wm. Riddell of Leith

George Baillie of Jerviswood
James Hamilton of Abernethy
John Sinclair of Strathmore younger.
Edinburgh, 4.
Sir John Johnston of Westerhall
John Skirving of Haddington
James Douglas of Dorchester
Mr. Alexander Ferguson of Isle.
Edinburgh, 4.
Mr. John Stewart of Strath
Wm. Stewart of Lundinshouse.
Edinburgh, 4.
Mr. Francis Montgomerie of Gifford
Hugh Buchanan of Buchanan
Mr. Wm. Dalrymple of Glenmar
John Cameron of Buchanan.
Dunfermline, 2.
Mr. Wm. Cockburn of Edinburgh
Sir Humphrey Colquhoun of Leith.
Edinburgh, 2.
Sir James Stuart of Bute
Mr. Robert Stewart of Teikentree.
Edinburgh, 2.
Mr. John Stewart of Blackhill
Sir John Hamilton of that Ilk.
Robert Pollock of that Ilk.
Stirling, 2.
James Graham of Buchanan
John Graham of Kilmarnock
Robert Bell of Portmarnock.
Leith, 2.
Charles Hope of Haymarket
Thomas Sharp of Edinburgh.
Perth, 4.
Sir Patrick Murray of Auchtermuchty
James Graham of Gortree
John Hadden of Glasgow
William Graham of Gortree.
Edinburgh, 1.
Sir Thomas Burnett of Leazes
Sir James Falconer of Phalaris.
Edinburgh, 2.
John Clerk of that Ilk.
James Moore of Bannockburn
Wm. Bruce of Strathmore younger
John Gordon of Falmouth.
Edinburgh, 2.
Lordship Grant of that Ilk.
Alexander Grant junior of that Ilk.
Glasgow, 1.
High Ross of Edinburgh
Dundas Graham of Colinton.
Cromarty, 2.
Andrew Mackenzie of Cromarty
James Mackenzie of Culbokie.
Edinburgh, 2.
Sir James Campbell of Auchtermuchty
Ja. Campbell younger of Auchtermuchty
Mr. John Campbell of Maitland.
Fife, 4.
Sir Wm. Anstruther of that Ilk.
David Beattie of Edinburgh
Major Dalrymple of Dunbog
Robert Douglas of Strath.
Edinburgh, 2.
Mr. Pa. Lyon of Auchtermuchty
David Graham of Fife

Mr. Jo. Carnegie of Pitheavie
James Halliburton of Pirrie,
Jurg, 2.
Alexander Duff of Duncro
James Ogilvie junior of Blythe
Secretary of Warbushlight, 2.
John Murray of Douglas
Wth Maxwell of Cumberna.
Sutherland, 7.
Alexander Gordon of Garry
David Sutherland younger, of household.
Cuthbert
Sir George Bracher of Clyth.
Eggle, 7
James Brodie of den II.
Robert Dundas of Oranahel.
Secretary of Garry.
Sir Archibald Stuart of Burray
Cuthbertson.

Ross, 2.
Alexander Mackenzie of Scotwell
Elizabeth Mackenzie of Gairloch.
Enron,
Mr John Bruce of Brecon

COMMISSIONERS FOR THE TITHES OF

Edinburgh } Sir Patrick Johnston
 } Robert Inglis
Peth, Alexander Belcherova
Dundas, John Symington
Alderson, John Alderson
Moring, Captain John Erskine
Lathigton, Walter Stuart of Pardons
St. Andrew, John Watson of Atherton
Glasgow, Hugh Montgomery
Ayr, John Muir
Haddington,
Dunfermline, David Christie
Edinburgh,
Morris, James Scott of Logan
Glasgow, James of Glasgow
Aberdeen, Robert, Sir John Anstruther
Dunfermline, Robert Johnston
Inverness, Alexander Duff of Duncro
Dundee, Sir John Erskine of Aber
Inverhunting, James Spence of Leven
Inverness, Mr. James Maclod of Ballal
Brechin, Francis Mahon
Glasgow, Mr. Alexander Cunningham
Aberdeen, Walter Scott
Haddington, Sir Andrew Hume
Glasgow, Wth Colvile
Dunfermline, Sir James Elliot
Inverness, George South of Gairloch
Edinburgh, Robert Scott
Dundee, Sir James Scudler
Glasgow, John Campbell of Woodside
Dundee, Robert Keith
Glasgow, Mr. Wth Cunningham
Dunfermline, John Hutchinson
Edinburgh, Mr. Wth Sutherland
Peth, Robert Scott
Glasgow, George Macdonald of Southop
Peth, Captain Donald Mackenzie
Glasgow, Sir David Dalrymple
Glasgow, Sir Alexander Ogilvie of Forghall.

Widdows, Mr. Jo. Clark younger of Pen-
nock
Roxburgh, Mr. John Lyon
Roxburgh, Mr. Douglas Stuart
Naun, John Ross of Naun
Peth, George Mackenzie of Aulick
Roxburgh, George Spence
Dunfermline, Sir Hugh Dalrymple
Aberdeen, Sir John Anstruther
Glasgow, Mr. Patrick Ogilvie
London, Sir David Cunningham
Aberdeen, George Alford of den II.
Aberdeen, Mr. William Johnston
Edinburgh, Mr. John Cunningham
Roxburgh, William Allen
New-Glasgow, One House of Whitefield
Roxburgh, Mr. James Bellum of Ballour
Peth, Mr. John Mackenzie of Aulick
Dunfermline, John Ross of Melburn
Dunfermline, Sir Wth Hamilton of Widdow
Inverness, Daniel Campbell
Inverness, Mr. Robert Forbes of Leroy
Hiel, Mr. Robert Foster
Edinburgh, Mr. Robert Douglas
Inverness, Mr. Alexander Anstruther
Inverness, George Dalrymple
Glasgow, Mr. Charles Campbell.

Total, Lords	158
Bishops	40
Burgesses	57

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1000000

The Queen's Letter.] The Duke of Queens-
berry, her majesty's Commissioner, having
taken his seat on the throne, the Queen's Let-
ter was read as follows:

"My Lords and Gentlemen: We thought to
have brought you sooner together on this morn-
ing of parliament, but the great and weighty
affairs, wherein we have been engaged this
winter, were a necessary hindrance.—We have
on several occasions, given you and all our
good subjects assurance of our firm resolution
to maintain and protect them in their religion,
rights and liberties, as at present established
by law. And if there be any thing else want-
ing for the satisfaction of our people, and the
security of that our ancient kingdom, we shall
be always ready to have it truly provided for
and supplied.—You see that we continue en-
gaged in a great and necessary war for the de-
fence of the Protestant Religion, and the pre-
servation of the liberty in Great Britain, and
we hope you will be careful to guard against all
dangers that this war may threaten; for which
end, we recommend to you more particularly
the consideration of the state of our forces,
arms, and munitions, that they be duly and suf-
ficiently maintained, and the necessary sup-
plies granted for that effect, and all kept in
such order, as may be most conducing to the
war, as well as safety of the country.—We also
recommend to your care, that trade be encour-
aged, and all methods taken for the advance-

most thereof, either by extending farther laws, or making new ones, or any thing else that may be found needful and expedient for the benefit of the kingdom.—It hath been, and shall always be our chief study and endeavour, to establish and secure the peace, and promote the good of that our ancient kingdom; and therefore we do require your due care and diligence, and diligence for each good and great end; and that you will prosecute them with that wisdom, prudence and industry, as may most tend to our common advantage and satisfaction; but chiefly, that effectual means may be had down for promoting of religion, virtue and true piety, and suppressing vice and immorality, and providing for the poor.—We have appointed our right trusty and entirely beloved cousin and councillor James duke of Gloucester, to be our commissioner, to represent our royal person in the house of parliament, being well satisfied that the experience that both we and you have had of his great abilities and fidelity in his former discharge of his trust, will fully commend our choice, and render him to you acceptable.—Thus being your first meeting, and we having recommended nothing but what is for your own security and welfare, we confidently expect a reliable return, and a cheerful and cheerful concurrence in what we propose, and that, all differences and nonconformities laid aside, you will, with concert and diligence, bring matters to such a happy conclusion, as shall establish a lasting union between us and our people. So we bid you heartily Good-night.—Given at our Court at St. James's the 20th day of March, 1703, and of our reign the second year."

The Lord High Commissioner's Speech. | The Lord High Commissioner, the duke of Gloucester, then made the following Speech:

"My Lords and Gentlemen; Her Majesty has been graciously pleased to give ample and frequent assurances to maintain and protect the religion, laws and liberties of this her ancient kingdom, and the present constitution of the church: if any thing be wanting for the ease and satisfaction of her Majesty's good subjects, I am infinitely instructed and empowered in what may be thought expedient to be proposed for that end.—The close conjunction of the two monarchies, which in their turns have disputed to subvert Europe and usurpate our religion, made it just and necessary for her Majesty to be engaged in the war; and I needly appearance given him and upon the Confederacy, and particular encouragement to the Protestant protestantates. God has hitherto blessed the army of her Majesty and her allies, with glorious success both by sea and land. So that there is a stop put to the ravages, and a check given to the invading power of France. It cannot but be great satisfaction to us, to be under the benign government of a Protestant Queen. We enjoy the comfort of peace, and feel neither the effects of misery, nor the disorders of war, in which no mercy nor applied; but we ought not, in the

mean time, and it were to tempt our enemies to form designs, or make weakly attempts, if they see us in no condition of defence. Her Majesty proposes to you, as for peace, without bringing any particular concern of offering it is to continue the provisions for the safety of the establishment, and to furnish of repair the City and Garrison of London, in conformity, that I cannot doubt of your ready compliance with her Majesty's desire, and your cheerfulness in it, will be very acceptable to her Majesty, observable to the world, and give evidence of your loyalty and affection, which will add much to the value of what you offer. The duty and protest her country.—Trust requires your prudent and special consideration, her Majesty on her part is willing to concur with you in any thing that may contribute to encourage and revive it, rather making new laws to amend the present ones.—My Lords and Gentlemen, I trust, your Majesty to honour me with a chamber to represent her royal person in the house of parliament; I am very sensible of the great weight and difficulties which do attend that trust, but my encouragement is from the confidence I have of her Majesty's goodness, in believing any sincerity and zeal for her service, and that in her royal wisdom, she is so careful of her people, that I am not charged with any thing that can be construed to be against the interest of the kingdom, which gives me assurance of your hearty concurrence, and I shall very faithfully report what services are done by every person to her Majesty and the Nation."

The Lord High Chancellor's Speech. | The Lord High Chancellor, the earl of St. John, spoke thus:

"My Lords and Gentlemen; Her Majesty's accession to the throne of her royal ancestors, is the great happiness of all our Majesty's dominions: She has ever freely embraced in the Protestant Religion, and may justly be called the defender of the Protestant interest in Europe; and all who have had the honour to have, more immediately access to her Majesty's person, or who have duly considered the whole scope of her Majesty's government, must be convinced, that it is her Majesty's chief design, to make all her subjects happy. You have heard her Majesty's most gracious Letter, and has given my Lord Commissioner's Speech, and it must certainly give you who are the representatives of the kingdom, convinced by her Majesty's authority, great satisfaction, that her Majesty does give you full assurance of her royal resolution, to maintain her people in the possession of their religion, of their laws and of their liberties; and has also frequently promised her protection to the protestant of the church: but if any thing be yet needful for the ease, contentment and satisfaction of her Majesty's subjects, her Majesty has given full satisfaction, as my Lord Commissioner has just said; so that nothing is wanting on her part, and nothing is proposed or demanded by her

but what is necessary for the security and prosperity of this kingdom.—Her Majesty is engaged in a most just and necessary war, for the defence of the liberties of Europe, against the formidable power of the French King, and as we are indebted to God for the success her Majesty's arms have had, so we ought to give her Majesty all the support and assistance in our power, it being so necessary, for our own defence, and without her Majesty demands us, that you provide for your own security, by giving such supplies, as may be further necessary for maintaining her Majesty's troops, and equipping and providing for the town and garrisons, the doing of which will be a convincing proof of that union and concord which exists between her Majesty and her people, and will be the most effectual means to dispel the danger of our enemies, and to preserve the peace and tranquillity we now enjoy.—The cause of this kingdom deserves a your particular consideration, the advancing and improvement of it is the only means to increase the wealth and riches of this nation, and in the doing of which you have full assurance after Majesty's commitment, our constituents are very much impressed, and ought to have all encouragement, but we have shown an forward trade, and all our towns and corporations are thereby much impoverished. You have now an opportunity of doing what you shall think necessary in this matter, either by making laws that may be purchased to trade, or by making new ones, or raising such as are in demand.—My Lords and Gentlemen, having her Majesty's chief care is to make all her subjects happy and contented, let us therefore in compliance with her Majesty's just demands, cordially and unanimously consent to support her Majesty's authority and government, to advance religion and true piety, to discourage vice and immorality, to promote and improve trade, and to do every thing that is necessary for the honour, interest and safety of this kingdom, that so all may be concluded that comes before you, to the satisfaction of her Majesty, and the good and welfare of her people."

Proceedings on the Act for recognizing her Majesty.—This done, John Hamilton, after a speech proper to the subject, offered the draught of a Bill, for Recognizing her Majesty's undoubted Right and Title in the Imperial Crown of Scotland, according to the declaration of the estates of the Kingdom, containing the Claim of Right, which was received and read the first time, and a second reading unanimously offered, the third of May, when the queen's address, on James Street, offered an address of thanks, "That it should be treason to quarrel her Majesty's right and title to the crown, or her success of the government from her actual descent to the same." This clause being read, it was agreed by voice, that it was unnecessary for her Majesty, because it implied that the House were giving her Majesty an indemnity for her acts, and recovery of all penal

ties her success to the throne. It was answered, that the words meant only in general her Majesty's right to exercise her power. To which it was replied, that, otherwise was the meaning of those, who had offered the clause, for the words could admit of no such meaning, unless either the last part of the clause was altered then, "her being in the exercise of the government." To this it was again answered, on behalf of the clause, That by the late queen Mary's death, without issue of her body, the right of succession came to the queen, upon the proposal of King William's death, being by the act she was to succeed "before any children of his body." But that the clause did never refer to her till his actual death and her actual accession; and therefore it was proper not only "to recognize her right to the succession," but also "to recognize her actual accession," and to secure it by a statute of treason. To this it was replied by the Duke of Hamilton's friends, that these words spoken of did not import any other, than the apparent right of inheritance before or after his immediate predecessor's death; the first of which naturally extended upon the exercise of the crown. That the act, as at first offered, fully recognized these and all manner of rights, which were or could be in her Majesty's power, but that the clause now offered did most dishonourably suppose a restriction and suspension of her Majesty's exercising, and most point at one of these three things. First, either it supposed, that there had been something lame and defective in her Majesty's right and title above-mentioned, which had been since her actual accession, supplied by her Majesty's acts, of administration and exercise, and therefore her accession was proposed to be ranked towards validating her ruling title. But, as there was not the least defect in her Majesty's right and title, therefore the clause was unnecessary and dangerous. That, in the second place, the clause assumed, that her Majesty, mere her accession, had exercised some acts of administration; to validate which, a vote of this House seemed necessary. That, whatever might be charged upon the minority, it was the highest indignity done to her Majesty, to expose her exercise of her royal power to the least question in such a clause. And, in the last place, no other reason could be given for the unnecessary of the minority in proposing a clause so dishonourable to the queen, but that they themselves must be conscious, that, contrary to law, they had been instrumental in advancing her Majesty, to exercise some acts of administration, such as the calling together the late parliament, which had continued during all the time of the late reign, and promoting in it some commissions, laws, and orders, beyond the longitudes, which denoted the being, and circumscribed the power of that parliament. And, being sensible, that their address might very justly rebound upon themselves: they shuffed in the dishonourable clause, hoping, by this, the name of her Majesty's ac-

would, to shew themselves. But that, whatever might be one of the elements this time it was hoped, that the wisdom of the house would, in due time, pass a contract on those articles, which were like to discomfit her majesty's power, and endanger the safety of the nation. The duke of Hamilton concluded, "advancing," that the House of Commons, in passing this act for supplying her majesty's necessities, might, and wish, that he had been as happy, that he should as yet would have passed the vote of that house with all imaginable cheerfulness; and that he was both sorry and surprised to find any thing thrown in, which could create the least dissent in it; but let those answer for it, who were the authors." After a long debate, it was agreed, that instead of the words, "her majesty of the government," the following words might be added, "her being in the service of the government." But, by the concurrence of the Commons, it was carried by a considerable majority, that the clause brought in by the queen's advocate should be added to the act, which, on the 15th of May, was read by the speaker, and made a law; but, before that was done, duke Hamilton desired, "That it should be remembered, that, in passing this act, it was expressly declared, that the meaning of the advocate's clause could affect only the queen's service of her government, and not the savings of her majesty. And that, therefore, whatever challenge might be given afterwards to the dignity of the savings of the last parliament, might not be considered as a violation of this act."

After the act had received the royal assent, the earl of Hume, who was one of those, that had qualified him some long William's death, presented the draught of an act for the supply, but, before it was read, the marquis of Tweeddale said, that he had an Ordinance to make to the house, which he hoped would, by reason of its importance, be preferred to all other business. After some debate, it was agreed, that the Draught and Ordinance should both be read, provided, that nothing should be spoken to either. And accordingly the Act for supplying was read, as was afterwards the marquis of Tweeddale's Ordinance "for a resolve of parliament, that, before all other business, the petitioners might proceed to make such regulations of government as, and regulations in the constitution of the kingdom, to take place after the death of her majesty and her heirs, as should be necessary for the preservation of their religion and liberty." Both which ordinances were ordered to lie on the table.

Proceedings on the Supply.] May 15. The commissioner from the House informed the House, "That having now sat twenty days, he did not doubt but they were all convinced, that the present state of affairs required a competent supply for maintaining the army. That the act, passed a week before for that purpose, had notwithstanding opened the table. That he

then he desired, that it might be now agreed and passed, that they should hereafter afterwards, allowed them to go upon other matters." Notwithstanding this speech, it was moved, that, before the supply, the marquis of Tweeddale's Ordinance should be taken into consideration. Upon this the debate turned on a disagreement, whether the vote of Supply, or the Ordinance, should first take place? In the hall of the Ordinance, was urged the great importance of it, and in behalf of the Supply, the necessity of it, and the commissioner's promise, that after the first reading of the supply act, there should be some provision for other business. To this a member answered, "That he had all the difference imaginable for the last commissioner's assurance, and declared nothing the whole house had the same; but he doubted extremely, that his grace could be answer himself in that point. Who knows (added he) but that, after all his grace's good purposes, the treasurer of England may choose to adjourn the house, when he shall think fit, notwithstanding all the assurances which the country can give. It is too well felt, that the influence of foreign counsels, from one corner of the world crosses, have determined some affairs for these many years; and there is no appearance of success among these powers." He concluded, "That from the matter of the Ordinance might arise such articles, as might make a Scots nation stand upon a Scots bottom - and therefore it was fit to prefer the consideration of it to any other business whatsoever."

Another member urged, upon the point of the abrupt adjournment of the parliament, "That it must still be fresh in every man's memory, that much was made upon the necessity and indispensability of this union, in the matter of their late trading company, both before their settlement in Durny by the legislative acts of the Scots parliament, and by the resolutions of the Scots parliament, and by the English resolution at Edinburgh, which clearly represented the Scots company as private persons, having no authority; as also, by the act and resolution of the Scottish depositions and expenses against the Edinburghers, if they should still offer any trading society with them. And likewise, after that company was settled in Durny, by their most barbarous and insolent extortion of some prohibitions raised out against them. That, whether these most oppressive strokes were calculated really for the sale of an ancient sleepthorn foreign to the island, or not proper to deprive it, that it was certain, that this had acted as an insupportable injury to the Scots nation, which could not fail, some time or other, to break forth into outrageous dangerous to both nations. And therefore he concurred with those noble and worthy members in promoting the Ordinance, from which he should expect, that some law should be enacted towards regulating the commerce and government at home, as might deliver a Scots prince and ministry from foreign influence, and might thereby exempt

partial judgments, in all times coming, to equal political spirit of the whole island." These several warm speeches and long discourses, the house came to this resolve, "That parliament will proceed to make such laws, as may be necessary for its far reaching our religion, peace, and trade, before any act for supply, or other extra business whatsoever." When the message of Ardsel arrived, he said for the courtesy of the kingdom, in case of her absence, because she, before it was read, the Earl of Argyll offered her act, reviving the late act, and all the acts following thereupon, as touching of bodies, as act, concerning, or touching upon the said estate, what the death was, saying, and the heirs of her body, the said James, as act, that, after her majesty's death, and during the life of her body, as yet, to the crown of Scotland, belong, to the same touching or upon of England, should, as long as queen of husband, have power to make peace at war, without the consent of parliament. The act of Merchiston, as act for reviving the late Protestant religion and Presbyterian government; and as Patrick Johnston, an act, allowing the suspension of all service, wars, and other foreign business. All which acts were placed, and ordered to be on the table.

[Act of Toleration] June 1. 'An Act for Toleration in all Protestant, in the exercise of religious worship,' presented by the earl of Southdown, being read, a strong representation was offered against it, in the name, and at the appointment of the late general assembly, which concluded with these words, "That they were persuaded, that to grant a toleration for those of the Episcopal way (which God of his infinite mercy send) would be to establish equity in a law, and would bring upon the government, church, and their families, the dreadful guilt of all those evil and pernicious effects, that might ensue thereupon." The promoters of the Toleration finding by this representation, that it was like to meet with great opposition, agreed not to insist upon it, but the day they should discuss and lose money, who at present sided with them against the court.

Thus, not only all the hopes of the Episcopal party for a Toleration (which they had made boasts of carrying) were entirely lost, and every thing relating to the Church increased on the other side in which it was during the late acts, but the Presbyterians got a new law in their favour, which gave them as full a settlement, and as full a security as law could give. For, on the 3d of June, an act passed for preserving the now reformed Protestant religion, and confirming Presbyterian church government and discipline, by law contrain, prohibiting, prohibiting, and annulling assemblies, as against the word of God, and the only government of Christ's church within this kingdom.

Lockhart, in his Memoirs, says, many resolutions agreed against it, but none with more spirit than Sir David Cunningham of Melrose,

who urged, that it was unreasonable to allow, in this act, that "the Presbyteries were appointed was the only Church in Christ." To that the message of Lockhart replied, "That the clause was right, since he was sure the Presbyterian government was the best part of the Christian religion, which would go a great way to the ruin of the kingdom." However, the vigorous battle was evident, that the Presbyterians party was not so considerably, as had been said, and that, at the year's last, there was a change of the Scotland as in June next, the night of the 10th, commenced Presbytery. For it is now the house consisted of about two hundred and fifty members, though at first it consisted of the rest, and might not have been so large, which had been all Episcopalists, but about 100, others, either because they were not then a formal strength, as the others in a time to place the house, so that, perhaps speaking, there was not a plurality in those matters, since the act, among whom such, as the Duke of Hamilton, the earl of Glasgow, and many others, were no way Presbyterians, so that, had the queen desired to introduce Episcopacy, it would not have been any hindrance, to have done it.

Act dissolving the *Highness of the Estates* to be a Parliament. 1 June 2. The Estates were presented to consider the words of Argyll's act, which consisted of three clauses. 1st, touching and perpetuating the first act of Sir John Wilkes's parliament, that the three estates then met together were a lawful and free parliament. For declaring it high treason to challenge the authority of that parliament, or to make laws, by writing, or speaking, or other speech or deed, to alter or dissolve the clause or right, or any article thereof. The two first clauses were agreed to without any opposition, but the third, relating to the clause of right, raised a very warm debate. It was objected, that every body had been agreed, reflecting on the clause of right, and intended to enlarge the present happy settlement. To which it was answered, That these very standing laws by which the authors of such libels might be punished; but that the import of such a general and peremptory clause would be of most dangerous consequence. That it would hinder men in their common conversation, which, though often so innocent, might, by these words, "and saying," by writing or speaking, bring all the subjects, whether in the custody or not, into daily errors; and, in short, that it would bind up the government, and the wisdom of the nation, and in all succeeding ages, from making such alterations and reformations, as in course of time, and various circumstances of things, should be judged necessary. To this purpose James Hailes of Stronsay said, That he was sure, and every body knew, that the shire of Aberdeen, which he had the honour to represent, was of Episcopal government, and if, after this act was passed, his countrymen should, in discharge of their own consciences, in a regular way address the assembly or par-

honour, which by the claim of right is the privilege of every subject, for a consideration of the present Presbyterian establishment, which, in his opinion, was neither admissible nor amenable, he desired to know, whether such an address should import censure? To this, Sir William Hamilton, of Whithorn, answered, THAT should not admit not previous addressing for a resolution; but he was of opinion, that if, after it was passed into a law, any person should avow, that he thought Presbyterian government a wrong establishment, and that censure ought to be returned, such a person was guilty of high-treason. This occasioned a long and warm debate, wherein the dangers that would arise from this war, both to the government and the subject, were fully laid open. Moreover, the question for approving the act was carried in the affirmative, though there were only stepsiders against it, and many non-liquets, at about midnight, and several of the minority party who were Presbyterians, but all the minority and their dependents went into it, except the marquis of Ailes, the lord justice clerk, the lord viscount of Tullart, and some of their and the lord-commissioner's friends, who at this time, began to break with the court, and form us a particular correspondence with the country.

Proceedings on the Act of Secrecy. From the 24th of June to the 30th, there was little done relating to the public, except the reading of the Act of Secrecy, and reasoning upon the several clauses of it; on the 27th of June, there were four several debates in form of Acts, for Secrecy of the kingdom, presented and read, which were ordered to be printed for the information of the members.

Mr. Fother's Speech on presenting a Draught of the new Act. That which was most taken notice of, and came nearest to the Act that the house agreed to, was the Draught given in by Mr. Fother of Salton, with the following speech upon it:

"My Lord Chancellor! Freedom and opinion govern the world to the great distress and ruin of mankind, and though we daily find men so rational as to chafe by the dissipated rectitude of their consciences in all other things, yet when we touch upon any wrong opinion with which they have been early prepossessed, we find them more irrational than any thing is nature, and not only not so be convinced, but obstinately resolved not to hear any reason against it. These prejudices are yet stronger when they are taken up by great numbers of men, who confirm each other through the course of several generations, and seem to have their blood riveted, or, to speak more properly, their animal spirits influenced by them. Of these deluged, one of the strongest and most pernicious, has been a violent inclination in many men to extend the prerogative of the prince to an absolute and unlimited power. And though in limited numbers of good men profess and declare themselves against it, all cynical protest,

yet many, even of these, are found ready to oppose such necessary limitations as might save them from the tyrannical excesses power is a prince, not only subject to all the infirmities of other men, but by the sceptre increasing from his power, to his greater. The honour has greatly increased in our island since the success of the prince, and the same calamities, which have been made necessary to preserve the balance of the court, have the reduced and fastened a almost principle. By I must not leave to put the representation that nature is used, that no such prerogative went in this kingdom before the union of the crowns, and that no monarchy in Europe was more limited, nor any people more jealous of liberty than the Scots. These principles were first introduced among us after the union of the crowns, and the prerogative extended to the overlord of our ancient constitution chiefly by the prelatical party; though the people, independent, and detestable enemies of the prerogative, who opposed these principles only in others, drove many into them, gave them greater force, and raised them more deeply in the nation. Should we not be ashamed to embrace opinions contrary to nature, and contrary to the testimonies of our ancestors, merely upon account of the unchangeable and insupportable honour and religious conduct of bishops of any sort? If then no such principles were in this nation, and the constitution of our government had greatly limited the prince's power before the union of the crowns, dare any man say he is a Scotsman, and refuse his consent to reduce the government of this nation, after the expiration of the word, within the same limits as before the union? And if once the union of the crowns, every man sees that we stand in need of men, business; will any man not in so direct an opposition to his own reason, and the undoubted interest of his country, as not to consent in besting the government yet more than before the union, particularly by the addition of the necessary limitations for which I am now speaking? My lord, there are such clear demonstrations of what we ought to do in such conjunctures, that all men of common opportunity must be ashamed of entering into any other measure. Let us not then spend in the steps of reason and leaving prince of any sort, who are always disposed to place an absolute power in the prince, if he on his part will graciously their wishes, and by all means support their form of church government, in the prerogative of all other men, who will not comply with their importunities. Let us begin where our ancestors left before the union of the crowns, and let for the future more jealous of our liberties, because there is more need. Do I must take upon me to say, that he who is not for securing great limitations upon the power of the prince, particularly that for which I am speaking, is one we have the same long with England, can act by no principle, whether he be a Presbyterian, prelatical, or presbyterian

man, for the court of St. Germain, or that of Hanover; I say, because art by no principle allows that of being a slave to the court of England for his own advantage. And therefore let not those who go under the name of propagators care for themselves with the promise of principles in this case; for such men are plainly for the prerogative of the English court over the nation, because this limitation is demanded only in case we cease to have to do with England.”

* Andrew Fletcher of Salton, Scotland, was born in 1683. He was educated under Bishop Burnet, and when in parliament he so strongly opposed the measures of the Court, that he was obliged to leave the country and go to Holland. He landed in the West of England with Monmouth, 1685, and afterwards fought against the Turks in the Hungarian Army. The Revolution restored him to his country, and he became a Commissioner in settling the government of Scotland. He died in London 1733. From his Works, which were published in 1783, the above Speeches are taken.

* Fletcher, (says Lord Bute,) made a really noble appearance in that Convention, which met in Scotland, after the Revolution, for the settlement of the new government. The thought of England's domineering over Scotland was what his generous soul could not endure. The indignities and oppressions which Scotland lay under galled him to the heart, so that in his learned and animated speeches, he exposed them with undimmed courage and polemical eloquence.—In that great event, the Union, he performed essential service. First, the Act of Security passed, which declared that the two crowns should not pass to the same head, all Scotland was secured in her liberties, civil and religious. Therefore Lord George's plan was barred, to send a civil war after the queen's death. Although Mr. Fletcher disapproved of some of the articles, and of the whole frame of the Union; yet, as the Act of Security was his own work, he had all the merit of that important transaction. In the order of his political career, Mr. Fletcher forgot not the interests of his birth place. He attended the education of youth one of the chief objects of government. On this subject he wrote a treatise, still extant, most characteristic of himself, and he established at Salton a Foundation for the same purpose, of great utility which is lost. This great man died at London in 1733, aged 50. His remains were conveyed to his head, and deposited in this house, vault at Salton. “His political principles,” says Lord Bute, “were too high and refined, and his views were too British, or rather, as I may now say, too Gallic, and too much in the view of philosophical politics, or sceptic of the privilege granted by James VI's act of indemnity, to return to his country and estate, when under the dominion of a stuporously despotic monarch by a real parliament.” That Mr. Fletcher

The following is the Act, as brought in by Mr. Fletcher:

ACT for the Security of the Kingdom.

“The ministers of parliament considering,
“That when it shall please God to effect that
“union with the death of our sovereign lady
“the queen (whom God at his infinite mercy
“long preserve); if the same shall happen to be
“without issue of her body, that Kingdom may
“fall into great confusion and disorder before a
“successor can be declared. For preventing

recurred similar horrors and calamities from King William, may therefore in part be attributed to himself; a circumstance, however, that must add greatly to the lustre of his character. His unassuming virtues, and the consistency of his principles, were all calculated to maintain exactly justice. He was as anxious to maintain the liberties of the people, that he was to the justice of the governing powers of all persons; in whom he thought justice to be secured, that he was not for trusting the best of laws with the power which all men might make use of against their subjects; He was of opinion that all persons were made by, and for the benefit of, the people; and that they should have no power but that of doing good. Thus, which made him oppose King Charles and invade King James, led him also to oppose the giving so much power to King William, whom he would never serve after his establishment. Mr. Fletcher was master of the English, Latin, Greek, French, and Italian languages; and well versed in history, the civil law, and all kinds of learning. In his travels, he had not only acquired considerable knowledge in the art of war, but also become versed in the respective interests of the several princes and states of Europe. In private life, he was affable to his friends, and free from all vice. He had a penetrating, clear, and lively apprehension; but it used to have been too much wedded to opinion, and impatient of contradiction. He possessed an uncommon elevation of mind, accompanied with a warmth of temper, which would not suffer him to brook an indignity from any rank of men, or in any place. On this he exhibited a singular proof in the House of Commons. The earl of Stan, secretary of state and minister for Scotland, having in the heat of debate used an improper expression against Mr. Fletcher, he rose from his seat, and moved upon public and constitutional matters. His leadership was obliged to leave his pardon, in presence of parliament. Mr. Fletcher was by far the finest speaker in the parliament of Scotland; the earl of Stan alone rivalled him. The latter was famed for a splendid, the former for a close and nervous eloquence. He formed his style on the models of antiquity, and the small volume of his works, on John Dryden's abstract, though imperfectly collected, is one of the very few classical compositions in the English language. “His speeches and his language,” says Lord Bute, “will bear a comparison with the best

...the relative of personal income tax ...

significantly different from the mean of the sample of 100,000, the *t*-test indicates that the sample is significantly different from the population. The *t*-test is a statistical test that compares the mean of a sample to the mean of a population. The *t*-test is used to determine if the sample mean is significantly different from the population mean. The *t*-test is a statistical test that compares the mean of a sample to the mean of a population. The *t*-test is used to determine if the sample mean is significantly different from the population mean.

The overall character of Southern provincialism was not, and is still, said to be reflected in the literature of the late Thackeray generation.

[illegible]

¹¹ The Times, 1890, would not forgive his behaviour in England, as they were used him to represent a country which he was doing to do the worst thing, and to make a confession, "worthy of a thug, and several other campaigns under the rule of Larran," he reported to Holland after the death of King Charles II, and came over to England with the duke of Monmouth; had the nation as to the the way of Larran after his lands; and he returned again to Holland, and came over to the Revolution with the prince of Orange.

[illegible]

"He is a gentleman steady as his principles, of rare honesty, with a glowing of learning; brave as the wind & the waves, with a heart as true as steel, and an arrival of his energy would do the life would be done his country, and would make a new thing out of it. His strength is the life of the religion, and could never be broken, as when the house is left as particular set. Your will be in it for the destruction of a thing or forty, - yes, those names are used so that the names for each

¹⁰ The sentence of your master, I assure, has not long gone, and can hardly be said to be any longer in the common practice of nature; and yet, he was otherwise the creature.

¹ participant: representation of critics + all
² assembled: all the members of that party
³ must as constituents of society + all those

As the situation worsens, the order of Shinto has a, with whom he, that always been very good, yet the dark morning, he has returned, being, and in the principle of it. The reason this is different would be that the common of the world is in a state. And not long ago, now, and therefore, not seeing for the same, the world is that same much other.

4. The last two sentences of the second paragraph, lines 11-12, are not related, either to the main body of the text or to the previous paragraph. These sentences, of a topic which is not dealt with in the main text, should be deleted.

[illegible]

jurisdiction of the government upon them
 and upon those burghs and boroughs, who as
 in former times shall have any place or pro-
 portion exclusively or immediately of the govern-
 ment, no more are hereby declared to be
 exempted from such jurisdiction, as if they
 were otherwise. But if there be no parliament
 assembled at any time actually constituted,
 give the members of the current parliament
 as much as with all possible diligence
 they shall be able to convene in parliament, then
 as an act of the last dissolved parliament,
 in such cases of interim, shall be deemed to
 be enacted, and in such cases the court, as
 in such cases shall be one hundred members
 of which number the barons and bar-
 onesses who are named are not to be ex-
 cepted, they shall take the administration of
 the government upon them: But neither
 shall the members of parliament or par-
 liamentary court, if at the time beyond an-
 ny time which preceded in the regular order
 of business, and declaring a suspension, till
 the next year they have assumed the ad-
 ministration of the government, both that
 year and the year, or all the other members
 of the Edinburgh which is hereby de-
 clared the place of their meeting, and for the
 next five years to come, and boroughs place
 themselves elected. But in case in the
 next year are dissolved, then they shall pre-
 pare in the gathering by proclamation the
 members of parliament, in which they will
 receive the succession to the regular order of
 business, which is the ordinary of war bur-
 gh, as for the same long with England, are as
 follows.

1. That elections shall be made at every
 Michaelmas head-courts for a new parliament
 every year; so at the first of November next

year of parliament. He was a strict and fair
 observer of all the points of honour, and his
 conduct, as known to his country, and had
 more experience in the art of war, having
 in his younger years been some years volun-
 teer in both the land and sea service. In his
 travels he had studied, and came to understand
 the respective interests of the several princes
 and states of Europe. In his private conver-
 sation affable to his friends, but could not con-
 sider to converse with those he thought enemies
 to his country, and free of all manner of vice.
 He had a penetrating, clear and lively ap-
 prehension, but so extremely wedded to his own
 opinions, that there were few (and those con-
 sidered by his beloved friends, and of whom he
 had a great opinion) he could make a man reason
 against him; and did for the most part re-
 sist and unalterably adhere to what he ad-
 vanced, (which was frequently very singular)
 that he would break with his party before he
 would alter the least jot of his opinions and
 actions: and therefore it was impossible that
 any man of sense, that did not give up themselves
 to be absolutely directed by him, to please him,
 so as to carry him along in all points. And

following, and adjourn themselves from time
 to time, till next Michaelmas. That they
 debate their own business, and that every
 thing shall be determined by voting, in
 place of voting.

2. That no money shall be raised
 added to the parliament, as there have been
 additions made since the last augmentation
 of the number of the barons; and that in
 all time coming, for every addition that
 shall be created, there shall be a baron added
 to the parliament.

3. That no man shall vote in parliament,
 but a baron or a third member.

4. That the king shall give the answers to
 all bills offered by the estates, and that the
 president of the parliament be appointed by
 his majesty to give the answers in his absence,
 and have the styling a day salary.

5. That a committee of one and thirty
 members, of which there to be a quorum,
 chosen out of their own number, by every
 parliament, shall, during the intervals of par-
 liaments, under the king, have the administra-
 tion of the government, be his council, and
 accountable to the next parliament, with
 power in extraordinary occasions, to call the
 parliament together: and that in the said
 interval, all things be determined by voting
 in place of voting.

6. That the king or his council of parlia-
 ment shall not have the power of making
 peace and war, or that of concluding any
 treaty with any other state or potentate.

7. That all places and offices, both civil
 and military, and all persons formerly con-
 fided by our kings, shall ever after be given
 by parliament.

8. That no response or company of horse
 foot, or dragoon be taken on land or peace or
 war, but by consent of parliament.

These it came to pass, that he often to the
 parliament took along to the country party,
 and was their leader. He was, no doubt,
 no enemy to all monarchical governments;
 at least thought they wanted to be much
 reformed: but I do very well believe his
 aversion to the English and the Union was
 so great, as regards to them, he would have
 sided with the royal family, but as that was
 a subject not fit to be treated upon with
 him, this is only a conjecture that some mis-
 understand I have heard him make. But as far as
 concern his mind, command, and command
 with high-flying forces, more than any other set
 of men, acknowledging them to be the best
 government, and of most honour, integrity,
 and ingenuity. To sum up all, he was a
 learned, gallant, brave, and every other way
 well accomplished gentleman: and if ever a
 man proper to serve and merit well of his
 country, he has placed his courage, zeal, and
 constancy as a pattern before him; and think
 himself sufficiently applauded and rewarded,
 if he shows the character of being like Andrew
 Fletcher of Saltoun.

9. "That all the feasible men of the nation, between sixty and sixteen, be with alacrity possible armed with bayonets, and firelocks all of a calibre, and continue always provided as such arms with ammunition variable.

10. "That no general sedition, nor protest for any transgression against the public, shall be valid unless it comes of parliament.

11. "That the fifteen members of the college of justice shall be incapable of being members of parliament, or of any other office, or any pension: but the salary that belongs to their place to be increased in the parliament shall that fit: that the office of president shall be in three of their number to be named by parliament, and that there be no extraordinary lords. And also, that the lords of the justice court shall be distant from those of the common, and under the same restrictions.

12. "That if any long break is upon any of these conditions of government, he shall by the statute be declared to have forfeited the crown.

"Which proclamation made, they set to go on to the naming and declaring a successor, and when he is declared, if present, are to need to lose the chain of right and continuity of government above-mentioned, and to desire of him, that he may accept the crown accordingly, and be accepting, they are to assemble to lose the oath of acclamation: but if the successor be not present, they are to delegate such of their own number as they shall think fit, to see the same performed, as and as; and are to continue in the administration of the government, until the successor has accepting of the crown, upon the foresaid terms be known to them: whosoever having then a king upon their head, they shall by his authority declare themselves a parliament, and proceed to the doing of whatsoever shall be thought expedient for the welfare of the realm. And it is likewise the authority, solemnly declared, that if her present majesty shall think fit, during her own time, with advice and consent of the nation of parliament, taking leave of her body, to declare a successor, yet nevertheless, after her Majesty's decease, the members of parliament or convention shall in the several cases, and after the manner above-specified, meet and select the successor to the government, in the same and after the manner as said is. And it is hereby further declared, that after the decease of her Majesty, and taking leave of her body, the foresaid manner and method shall in the several cases be that of declaring and electing to the government all those who shall hereafter succeed to the imperial crown of this realm: and that it shall be high treason for any man to reveal or acknowledge any person as king or queen of the realm, till they be declared and admitted in the above-mentioned manner. And lastly, it is hereby declared, that by the authority of her Majesty, or any of

her successors, all commissions, both civil and military, full and are void. And that all are shall come in place of the severest, and of the sixth session of King William's parliament. And all acts and laws, that are may derogate from this present act, are hereby to be far declared void and abrogated.

His Majesty also made the following speech in defence of the Declaration he proposed.

"My Lord Chancellor; it is the strong light of human prudence to see and seize every favorable opportunity: and if a man spoken in reason does for the most part produce wonderful effects, of what consequence and advantage must it be to a nation in deliberations of the highest moment; in some cases, when past, be it or needs viable, to seize the right party, and take hold of the public opportunity, which makes the most arduous things easy, and without which the most considerable may put a stop to all our affairs. We have this day an opportunity in our hands which if we manage to the advantage of the nation we have the honour to experience, we may, so far as the vicissitude and uncertainty of human affairs will permit, be for many years easy and happy. But if we neglect or neglect this occasion, we have reced our perpetual dependence, on another voice. It were could always retain those just impressions of things they at some times have upon their minds, they would be much more steady in their actions. And as I may boldly say, that no man is to be found in this house, who at some time or other has not had that just sense of the miserable condition to which the nation is reduced by a dependence upon the English court, I should demand no more but the impressions at this time to put all the hostilities mentioned in the draught of an act I have already brought into this house; were they not hazardous upon any price, who shall only being of Scotland, nor do any way tend to separate us from England; but calculated merely to this end, that so long as we continue to be under the same power with our neighbour nation, we may be free from the influence of English councils and interests: that the nation may not be impoverished by an expensive attendance at court, and that the force and energy of our government may be, as far as is possible, within ourselves. By which means, trade, manufactures, and husbandry will flourish, and the efforts of the nation be no longer neglected, as they have been hitherto. These are the ends to which all the limitations are directed, that English council may not hinder the acts of our parliament from receiving the royal assent: that we may not be engaged without our consent in the quarrels they may have with other nations; that they may not obstruct the meeting of our parliament, nor interrupt their acting; that we may not stand in need of passing to London for places and persons, by which, whatever particular men may get, the nation and

things by a lazar, nor apply for the assistance of our government to a court, where the most just sense was to be had. On the contrary, if these conditions of government be accepted, our constitution will be preserved, and our government be made independent by a due execution of our own laws, which to this day we have never been able to obtain. The law now made in England will be glad to have that these limitations are settled by us. For though the violation of covenants laid them no greater uncontrollable power in any man; yet now we will consider that when two nations lay under the same prince, the condition of one cannot be made intolerable, but a separation must inevitably follow, which will be dangerous and destructive to both. The result of His Majesty determined in the house of the Parliament, that all people would take hold of the first opportunity to free themselves from an any condition; that no peace could be lasting, in which both parties did not find their account; and that no alliance was strong enough to keep two nations in unity, if the conditions as often were made worse by it. For my own part, my lord Chancellor, before I will consent to continue in our present miserable and languishing condition after the death of my majesty, and leave of her body lying, I shall rather give my vote for a separation from England at any rate. I hope no man who is now possessed of an office, will take advantage at these conditions of government, though some of these seem to disadvantage, and where do entirely support the place he possesses: for besides the scandal of preferring a private interest before that of our country, these limitations are not to take place immediately. The Queen is yet young, and by the grace of God may live many years, I hope longer than all these she has placed in any trait; and should we not be happy, if those who for the future may design to recover themselves for any other, could not do it by any other way than the breach of the house, which they who appear for these conditions will deserve in a more extensive degree? Would we rather court an English minister for a place than a parliament of Scotland? Are we afraid of being taken out of the hands of English counsellors, and left to govern ourselves? And do we doubt whether an English ministry, or a Scots parliament will be most for the interest of Scotland? But that which seems most difficult in this question, and in which, if assistance be given, I hope no man will pretend to be dissatisfied with three hundred, or the nearest of a king of Great Britain. And here I shall take liberty to say, that as the limitations do us any effect any peace that may be king of Scotland only, so they will be found highly advantageous to a king of Great Britain. Some of our late kings, when they have been displeased about the affairs of Scotland, did let full such expressions, as often and they it might then not worth their application. And indeed 'twould not be wonder if persons, like other men, would grow weary of seeing whom they

did as sovereigns. But to set this matter in a true light, I desire to know, whether it can be more advantageous to a king of Great Britain to have an undivided prerogative over this country in our present condition, which turns to no account, than that this same prerogative and power should under these conditions of government, should be able upon any emergency to furnish a good body of good forces, with a squadron of ships for war, all paid by ourselves, to make his majesty in the war he may undertake for the defence of the protestant religion and liberties in Europe. Now since I hope I have shown, that there who are for the prerogative of the kings of Scotland, and all those who are possessed of places at this time, together with the whole English nation, as well as a king of Great Britain, have cause to be satisfied with these regulations of government, I would know what difficulty can remain; unless that being managed to have a dependency and unacquainted with liberty, we know not so much as the meaning of the word; nor if that should be explained to us, can ever persuade ourselves we shall obtain the thing, though we have it in our power by a few votes to cut ourselves and our posterity free. To say that this will stop at the royal crown, is a supposition disrespectful to her majesty, and which ought neither to be mentioned in parliament, nor be considered by any member of this house. And were this a proper time, I am confident I could say such things as being represented to the queen, would convince her, that no person can have greater interest, nor obtain more lasting favour by the ensuring of these conditions of government, than her majesty. And if the nation be assisted in this emergency by the good offices of his grace the high commissioner, I shall not doubt to affirm, that in procuring this blessing to our country from her majesty, he will do more for us, than all the good men of that noble family, of which he is descended, ever did; though it seems to have been their peculiar province for divers ages, to defend the liberties of this nation against the power of the English and the descent of countries. What further arguments can I use to persuade this house to reject these limitations, and embrace this occasion, which we have so little scorned? I might bring many; but the most proper and effectual to persuade all, I take to be this: that our ancestors did enjoy the most essential liberties contained in the act I have proposed; and though some few of less moment are among them which they had not, yet they were in possession of those others not contained in these articles, that they enjoyed these privileges when they were separated from England, and did our prince bring among them, and consequently made us so great a part of these limitations. Now were we have been under the same prince with England, and therefore stand in the prince's mind of them, we have not only enjoyed to make a due provision of that kind, but in every parliament had given us every blessing, and upon the

matter subjected this crown to the coast of England; and are become so accustomed to depend on them, that we seem to doubt whether we shall be hold of this happy opportunity to secure our freedom. If nothing else will move us, at least let us not act in opposition to the light of our own reason and conscience, which shall represent to us the oppressions of our government; the low condition into which we are sunk, and the current poverty, distress, and misery of our people. Let us consider whether we will have the nation confined to those deplorable circumstances, and lose the opportunity of bringing freedom and plenty among us. Have the least of every honest man must bleed daily, to see the misery in which our country and every man of our gentry live: which has no other cause but the ill constitution of our government, and our bad government no other root, but our dependence upon the coast of England. If our large trade sailing us, it would not be strange to find these limitations rejected. It is not the prerogative of a king of Scotland I would diminish, but the prerogative of English ministers over the coast. To conclude, these conductors of government being either such as our ourselves rejected, or principally directed to cut off our dependence on an English coast, and not so take place during the life of the queen, he who refuses his consent to them, whatever he may be by birth, cannot surely be foreman by objection. This will be a true test to distinguish, not who fears us, prejudice from prejudice, however from St. Leonards, for yet a courtier from a man out of place, but a proper test to distinguish a friend from an enemy to his country. And indeed we are apt now to many parties, and divide ourselves with too many false pretences, that such a test seems necessary to bring us into the light, and show every man in his own colours. In a word, my Lord Chancellor, we are to consider, that though we suffer under many prejudices, yet our dependence upon the coast of England is the cause of all, consequences there all, and is the bond that ties up the bundle. If we break this, they will all drop and fall to the ground: if not, the bond will grow so strong and close, till we shall be no longer a people. I therefore humbly propose, That for the security of our religion, liberty, and trade these limitations be declared by a resolution of this house to be the condition upon which the nation will receive a successor to the crown of this realm after the decease of her present majesty, and taking leave of her body, is that the said successor shall be also king of queen of England."

Lord Rochester's Speech on the said Act.]
The last Edition made the following Speech on the Act for Security of the Kingdom, in case of the Queen's death.

"My Lord Chancellor: We are now upon an act of the last consequence, it is an Act for the Security of the Kingdom in case of the

Queen's death. I hear it proposed by a noble earl on the other side, that this act should be the same narrative with the last BILL. But I would have it considered, that our circumstances are much changed since that time, we had then both a king and a queen, we being now our happiness and the welfare of the Kingdom, which every day depend upon the life of our great queen and excellent queen. I am sure her house to give her ancient king down, that we hope to bring this resolution we would like to persons, therefore, my judgment handle again, the best manner is to be given is then not to, to set things as they are light before this honorable house, with relation to the circumstances of this nation as at present, and as it hath been the custom of us by past, and make the reason of the two years under one another.

"If we consider, my lord, our present circumstances, we are a divided people among ourselves, divided and separated in our interests and circumstances from all Europe besides: we have no treaties, no alliance with any of the states or potentates of Europe: yet, we have trade or no trade, commerce or correspondence abroad, our military troops are abroad without port, money, no dated, and are rather like to the Israelites service as I go: than that of a free independent nation, more so, than neighbours. Now, above all, my lord, we are under that singular specialty, that no king nor who shall succeed us, neither have any particular law, putting out, or directing what to do when this remarkable day comes: that we shall be so miserable as to live the best of queens, yet, the best of governments.

"These, my lord, are our present circumstances, and I am sure they are so irremediable, prevailing and irremediable, that they deserve both the time and thoughts of this honorable house, to find out an adequate remedy for them: especially, when we are encouraged to it by her majesty's gracious letters to the parliament, empowering us to make, since, it moved what laws may tend to the benefit of the nation.

"Let us then go on, my lord, with that necessary business as, is the treating of so weighty an affair, that is the concern of a nation, and of a nation that hath been under a small decay and contempt for the hundred years be past, and is now become so very weak and debilitated, that it hath scarce strength to endure a cure.

"If we do but consider the state of our royal harbours, we may see what a vast decay we have suffered in trade, in a century which we justly be called the century of trade, and of trading age. If we will but consider the business of Europe, and of our own nation, we will find the share and figure we bore in the affairs of Europe, with respect, and in proportion to other potentates and states the preceding century, vastly below us then: what a figure would Germany, Denmark, Switzerland, Savoy, France

money in the world now, with whom we are not all so equal formerly : but above all, as some of the lords have improved that money in their advantage, and so their own wealth, peace and glory,

“ I am, my lord, if we consider England and Scotland although they have made the same use of it as a trade to plant and sow, and to grow and promote both in Parliament and in their private to their respective countries, yet their power and all their assistance cannot be known from what it was formerly, when before grasped in the fifth century, and England in the conquest of 1066, and in the tenth century, I can see no reason to think of it as a blessing, considering that money was the chief product of the dimensions of the country, and that the riches of the other by trade,

gradually increased, were that neither of them were encouraged their fellow subjects, with their necessary necessities and privileges as the wise Romans used to do, but, on the contrary, they have made their yoke as heavy, that it hath pleased God to bring out their two nations from the truth as Europe from making any reference to power proportionable to what they have done in trade, and, my lord, I now say, this appears to be the finger of God, that they may see their aim as their punishment.”

“ From what I have said, my lord, it is evident that this action is following under some fundamental error, with relation to the constitution, ever since the death of the two crowns, which our predecessors were not aware of at first, and their successors have never been able to rectify were, because our more prudent neighbours and fellow subjects have always made it their business to see come to us in this point; this is demonstrable from our own history and acts of Parliament, from which I shall, as soon as I can, distinctly as I can, show the several appearances our predecessors had to rectify their constitution, so also the ways and means our more prudent neighbours could or cannot do.”

“ The prudent foresight of Henry I., the natural inclination of Henry II., and Edward I., to bring Scotland under the same manner with England, had not the desired end they looked for, except want the death of queen Elizabeth.”

“ It is a matter of education, that during the forty years reign of that illustrious queen, our predecessors, so far as I can learn, had never so much as under their consideration, how necessary it was to have their constitution modified, as it is of our monarch's residence in England, were they had been taught experience of her wish of government, and of her advice intermeddling in the affairs of Scotland, and that by supporting sometimes one party, sometimes another, as she found it necessary; and which was most unreasonable of all, by her allowing her own secret lawrences, queen Mary, the mother of our king, the three apostles to read all languages, to be divulged,

confessed and avowed as a subject of England, but I am apt to think our predecessors have been much in the like case with the French monarchs in the sixteenth, who, though they valued much, their hearts were still kept up with the expectation of possessing a land flowing with milk and honey at the last, they brought up here, here thence with their king, as the predecessors of England, but they consulted without their king, a better may be in this, my lord, the plan is not of all this neglect of a few predecessors came from the desire among themselves, who it was industriously intended amongst them, by the English nation at that time, it was that which led us that golden opportunity, I pray God, it do not so soon.

“ Upon king James's accession to the throne of England, our predecessors, though they were numerous, and did possess many considerable offices at court, yet they found they had forgotten their interest and the context of the nation, by not making such conditions of government, and resolutions as their constitution, or might have preserved the sovereignty and independence of their nation, they found that the power and riches of England far exceeded that of Scotland, that their king's residence in England, would draw thence a constant commerce of their soldiers, and consequently the Scots money were to be expended there, that the Scots were to be sold, they endeavoured to retrieve it the best way they could, and to engage king James to allow them liberty to take the residence of their constitution, in their present circumstances, under consideration; but our prudent neighbours were so wise as to foresee the consequences of it, which they were resolved to observe, therefore they persuaded the king to propose an Union of the two Kingdoms, accordingly a parliament was called at Perth in the 10th year of God, and that the design might appear more solemn and real, it is called for that very end, for we had in our acts of parliament, that there was nothing else done in that parliament, they were also allowed to name their own commissioners, that the truth shadow of jealousy might be removed. The narrative of the act empowering the commissioners to treat about the Union of the two Kingdoms, reads thus the design our predecessors had of preserving the sovereignty and independence of their nation, which they saw was in great danger by the absence of their king; for it says, “ The king was absent to secure them of his wisdom disposition and clear reasoning, as well by the word union to possess of both the fundamental laws, ancient practices, customs, and manners of the Kingdom, which, if otherwise, could no more be a free man's life.” I had the consequence of this Union was, as well known, it was only an union, and ended in an inconsiderable loss of trade between the two nations, and small part was, as we thought too considerable for us to have, and therefore the English smiled.

in an old Almonack, yet at the very same time they were telling us, that we had no security from our young king, unless he and all about him took the national Covenant. Thus they have would divide us effectually. And it is really very strange to consider how easily our judgments were deluded, and thereby lost their reason. When they might have done great things for their king, country, and religion as it was then established, and which in all probability would not have missed of a favourable issue, if we had not at it our own light.

What was the consequence of all this, my lord? That our religion makes our enemies scorned, our endeavours for our young king prove unsuccessful, and we in a manner totally subjected to them, both in our civil and religious concerns, and continued so till the 1690th year of God.

So the 1688th year of God, King Charles is restored, and our old profane neighbours saw the same war chosen, yet they were very unwilling to let go their hold of sovereignty as yet, they were willing to keep what was & made they had got, therefore they had advised our gracious king to continue as in the same condition we were then in. That is to say, as a province depending upon England. The unreasonable of this proposal, my lord, may show how much people are blinded with their own interest, that we, who had been the first who saw our error, who protested against the king's trial, sentence and execution, who had raised so many for his liberation when prisoner in the Isle of Wight, who had rescued and granted his son, who had invaded England under his conduct for restoring him to his father's kingdom, and for doing whereof, we had brought upon us and our nation, all the calamities of war, bondage and servitude, forts and castles built to keep us in subjection, and a standing army of ten thousand men kept a foot upon us a number sufficient to have kept us in subjection the whole island. I say, my lord, that after all this, to think that any person should have dared to make such a proposition to a king who knew the truth of due to him, seems to me, to have been the height of impudence, to say no more. And yet, my lord, this was done. I have very good vouchers for it, and general Halk was the principal counsellor directed, though by our counsel and assistance he was enabled to accomplish that glorious design for his Majesty's restoration.

But blessed be God, the proposal was both abhorred and rejected by our gracious king, and then being thus disappointed, they fell to their old trade again, but hope could be removed, the paragoned must be rewarded, and we must not wait the same meat as our Union, but there all, and before all, the previous acts, of 1643, must be repealed, and that with a vigour, as may be seen by the nature of the act recovery the truth is, they were too opposite to their design to be swapped.

"My lord, I need observe, That from 1643 to 1688, there was nothing, saving the last Dispens of kings, non-resistance and passive obedience, preached up by the clergy of both kingdoms. I conceive that the members of the assemblies might afford some occasion for this doctrine, but when people do such unreasonable assumptions and fundamental constitutions of a limited monarchy, be it upon what so good grounds, the consequences generally prove but too soon to the monarch himself, so where there is such things are pretended, and consequences really designed.

"It fell out so during the period of time, our gentlemen mirrored their eloquence to persuade the people to that which is so far contrary to human reason, that it cannot be so much on the subject matter of both, viz. That kings come down from heaven, as the image of Deity come down to the temple of Ephesus. It is true, indeed, and particularly upon, may make people appear to reflect and look on such a doctrine, as it did Demetrius and his adherents: then, I must say, my lord, is the worst service we can do our persons, experience shows, That people generally desire, these deceivers as in that point, and the monarch must suffer for all at long run; for when these preachers and people come to be touched themselves, then nothing but religion and all is in danger, and therefore in the year 1688, then the prince of Orange is invited over by our neighbours, non-resistance, he comes, and that seasonably too, and gives a great and glorious deliverance; thereupon is declared King of England, France and Ireland, and proclaimed accordingly.

"My lord, at that time our wise neighbours forget not us, they did not indeed well know what we might do, they knew then we had a new opportunity to rectify our constitution, and make ourselves of government, they knew we had reason for it, and were afraid of it. Therefore they came again in their old staff, nothing is so necessary as an Union, which is now easy, and they will not stand upon terms with us, but that being a work of time, it is necessary, that the nobles and gentlemen at that time present at London, should go down and settle their affairs upon that main bottom with them, but King James come to Ireland, and from thence over upon them, and much to this purpose; what do we do, my lord, we consider the best, we are so fixed at our deliverance, and forward to restore our neighbours, that we had no great part the benefit of the deliverance. King James is restored because of his following the advice of evil counsellors, and yet still they is a, these evil counsellors must not only be preserved, but employed.

"It is true, by this example we make a Claim of Right, following both these two contrary points, and remember that we and they are under different circumstances, we without a king residing among us, they having both their own and our king, in that midst of them.

Thus, my lord, we lost that excellent opportunity, I say we ourselves, not our predecessors, for we are living witnesses of our own mismanagement.

"Well, what followed, we wrote to our new sovereign that the Union might go on, and we make a reservation of circumstances accordingly, but say the circumstances, for so much of the rest. I confess some years after, Presbyterianism was restored, but all of us know, that if the Episcopal people had been as ready to consent to King William, as even they are to Queen Anne, the opposition had been much greater than it was.

"During the first years of King William's reign, I cannot say but we were less under influence than formerly, yet we cannot but strangers residing in our affairs, but it was rather a personal than a national influence, being acted by a person singularly ignorant of the state of our nation, more what he had from some of our nobles, who were as much as to how in that golden age; I must confess we began to flourish a little in those days, and finding that we had more power than formerly, had hopes to promote a trade like our neighbour nation, but no longer had we an act of parliament for our encouragement, but then our profane neighbours fell upon us with a violence, and thus above board too. The two houses of parliament acted and addressed against us, their students stood and gave sentences against us, and we must be represented in America as pirates and freebooters, and our greatest strength met my process for his favour towards us: This, my lord, I well know, and I having had the honourably to discourse on this subject in this same place, I shall say no more but that King William dies.

"Our most gracious queen Anne succeeds, confirm to our Chancery light, who I hope will do right to this her ancient kingdom; what follows? She is proclaimed queen of England, Scotland, France, and Ireland, whereby they prevent the forwardness of our prayer concerning this eventuality at London, as they prevented that of the Scots parliament; what more? the Union is tramped up upon, by which it is evident, that they have some new design upon us, which I hope we shall be so wise to prevent by our wisdom in the session of parliament, to signify what is done, and direct the fatal consequences that may follow thereafter.

"Thus, my lord, I think I have given this honourable house a short and true account from our own history and acts of parliament, of the several opportunities we have lost, when it was in our power to have rectified our constitution to this very day, which naturally brings me to the subject-matter of this Act for the Security of the Kingdom, &c.

"My lord, as we go through the paragraphs of this Act, I shall speak my mind freely to the particular clauses thereof; all that I shall say further at present is, that we have before our eyes our predecessors' faults; our most gracious queen both follows her father the institution of

her royal predecessors; she knows those people to be no good subjects, who pretend to establish a separate interest between her and the people; she knows that she is queen over distinct independent kingdoms, who have their laws, distinct interests and constitutions. And we hope, that we are perfectly happy under her Majesty's auspicious government. We are secure from all the open violence in secret designs of our adversaries, during her reign; we want nothing to make our happiness complete, were her royal presence among us, which we have no reason to expect. What shall we then do, in the mode of our prospect, let us consider how soon our joy may be turned to mourning, have seen the dismal account may come that we have lost our guardian, the protector of our laws and liberties.

"My lord, I think the thoughts of this should make a deep impression upon us, and make us take care by the forehead. All things seem to conspire in favour of our design. We have most gracious queen who loves our nation; we have a new parliament, a new set of young noble and hopeful young peers and wise members of the new parliament, who love both their queen and country, and will venture their all for her service; we have begun a new treaty since our Union with England; and who know whence a blessing may come? What shall we then do? Even by words all its means, all resources and resources, whether upon real or fictitious accounts, and let us join together like true Scots men, with our royal queen in passing this excellent law, in such an ample manner as may be under us together for ever, and surely our constitution so, or more shall all be able to prevail against us in the manner they have done formerly.

"I am so much convinced of the necessity of doing this now, and not to delay it to another time, my lord, that I may truly say if in this our day, we do not consider the things that tend so much to the happiness of this our nation and posterity, I am afraid such another day may be had from our eyes; let us then up and be doing, since we have a queen who will withhold from us nothing that is for our advantage."

July 1. The Act for the Security of the Kingdom being read, a member moved for inserting in it such provisions, in case of a convulsion out of the queen's own body, as should sufficiently secure the throne against the misfortunes arising from the influence of foreign counsels. This was seconded by a great many members; and, after some debate, it was agreed, that the act should be considered paragraph by paragraph. The next day it was resolved, that the motion of the motion should meet upon the fourth day after the queen's decease, and that the government should be lodged in their hands on that day. The 10th of July, a clause was added, excluding Papists from being members of the nation, and, on the 11th, another clause was offered, "That no Englishman or foreigner, having a double vote, and not having an estate

persons sharing jointly and with the king, as shall have place and vote in that meeting of the said parliament." Against this clause it was urged by the marquis of Athol, that the privilege of parliament had agreed to extend by birth, and to extend by moderate creation. That, on the one of these views, the private inheritance of one and future might be injured; and, in the other, the prerogative seemed to be impaired. To this it was answered, first, that this clause was not encroaching upon the property and inheritance of those peers, who were to be retained at that time, among the nobles was he that was alone, on which there was an offer to be negotiated, which was partly a Scotch question, viz. the choosing a successor for the kingdom of Scotland. Secondly, that persons and property is the true rule for representation; and, though the crown, which is the fountain of honour, be not confined to degrees unless according to that rule, yet, in the very next case, there could be no exceptions made against excluding those from voting, who not only had no possessions or interest in Scotland to represent, but who on the contrary, had possessions and interest elsewhere, which might clash with the interests of the Scotch nation. Thirdly, That as the effect, which was to be the subject-matter of the consideration of that meeting of the estate, the composing a successor, the English were already pre-entitled and pre-engaged on their own share. And though it should prove to be the interest of Scotland, not to enter into the same connection with England, yet those pre-entitled peers, who had estates in England, would never risk them, to give a free vote for the interest of Scotland, where they had no estate to lose, and therefore the clause was retained as improper. After some debate, the clause was put to the vote, and carried on the affirmative; but, before voting, the marquis of Athol protested, that this vote might not prejudice the undoubted right of all Scotch Protestant peers. To which protest no real offer given adhered. Then the marquis of Argyll, the duke of Argyle, and the earl of Kinncairdie also protested, that the vote might not be prejudicial to the privileges of the peers of Scotland, whether they be Scotchmen or English. On the 15th of July, it was moved, That such limitations as should be thought necessary to be put upon the succession, might be considered; and particularly a clause was offered, that the kingdom should not be engaged in any war, but by the advice and consent of the parliament. The clause being read, a long debate ensued, wherein it was urged, "That the settling the Succession upon the succession, was more proper to be done by that parliament or meeting of the estate, which should name the successor; and that the whole Act of Security might perhaps be lost, if it should be cramped by such limitations." Upon which, it was carried by a majority of twenty-six voices, "That to proceed to the limitations on the succession in this act." However, it was afterwards voted, that the Act

touching Peace and War should be considered, next after the Act of Security.

July 9. Upon a debate relating to the succession, it was the intention to be moved were under age, it was resolved to refer that matter to the wisdom of the meeting of the estate. First proposed, it was moved, that the clause, superseding the meeting of the estate to declare a successor to the crown of the royal line and of the Protestant religion, might recite the address of these words, "as by law established, within 'the kingdom.'" Against which it was urged, That the coronation oath was a sufficient test to engage the successor (being a Protestant) to maintain the church, as by law established. To this it was answered, "That since the wisdom of that house had thought fit to exclude Papists, who professed the doctrine of transubstantiation, how being any access to a Scotch government, so he was to consider why Catholics, who profess the doctrine of consubstantiation, might not likewise be excluded; and more especially, considering that by this means the fidelity of Hanover would be excluded, which was both proper and necessary, considering that the English had named that family for their successor. For he was plainly, that the Scotch people must resolve to be a national slavery, if they should go into the same connection with England, unless they had such conditions of government settled within themselves, as might secure their liberty and trade; of which he saw no great appearance at that time, since it was evident from several struggles within these few days, that the ministry was in concert with the ministry of England, to carry on the Scotch nation under the same slavery as themselves; and therefore he did oppose that clause, and would second any other clause whatsoever, which might put the Scotch nation under a different government from that of England, seeing they could not obtain such reasonable terms, as might make them any under one and the same successor." Upon the occasion Mr. Grant informed the house, that he had instructions from the house of the lords of Ireland, whom he represented, not to enter into any terms of succession, the same with England, unless first there should be such conditions of government, and terms of union of trade, previously concerted, passed and ratified by the parliaments of both kingdoms, as should put the Scotch nation upon an equal footing with their neighbours. After some debate, the question was stated, rather to "add the words offered to the clause," or to "rest upon the security by the coronation oath," and it was carried for resting on the coronation oath.

July 16. A clause was offered by the earl of Roxburgh, "providing the succession to be named by the meeting of the estate, by not the successor to the crown of England, unless on the session of parliament there be such conditions of government settled and consented, as may secure the honour and independency of the crown of this kingdom, the freedom, tra-

power, and power of parliament, and the religion, liberty, and trade of the nation, from the English or foreign influence." It was urged against the clause, that it imported limitations upon the sovereign, which had been by a former day's vote excluded out of the act. To which it was answered, That by the clause, there was no limitation designed to be brought into the act, but that the clause did only, in general terms, a capitulation for some proper conditions of government to be settled in the name of parliament, "in case the nation should think fit to make the same agreement with England," in the same manner as the other day's motion had made a capitulation for the let of Peace and War impossible. It was again objected, That, as the clause was conceived, the making of the conditions of government was too presumptuously stretched to discussion of parliament; and therefore it was moved, that, instead of 'the service of parliament,' it should be, 'in this or any other service of parliament.' To this it was answered, "That while the members were designing to secure a capitulation for settling such conditions of government, as might answer no less important ends than the honour and safety of the house, and, relieving the nation from slavery, and thereby to strengthen the kingdom, which must, for all future ages, enjoy both autonomy; that, when they were projecting such good things with all imaginable dispatch in the parliament, they were told of an expedient for a new delay, by turning them off to some future parliament, which, upon the whole matter, aimed at nothing less than an entire disappointment of those generous designs. And therefore it was hoped, that the wisdom of the house would enter unobscuredly into the clause, as it first offered." The question being put, whether 'to add the clause, or not,' some members there in a great noisy and expeditious, which occasioned several warm speeches; and it being late, and the house in great heat and confusion, several members pressed for a delay. The chancellor seconded the motion, adding, that the debate should be resumed the next sitting, and, by the speaker's order, adjourned the parliament for four days. This adjournment without a vote, in the midst of a debate, was immediately protested against as illegal, and an address to the queen was framed and subscribed by about seventy members; but, on the fifth of July, the next day of meeting, the chancellor declaring, "That there was no manner of design by that adjournment to increase upon the privilege of the parliament," a day was put to the address. The next day, the house proceeded on the call of Blackwell's clause; but, after reading it, there was another address by the queen's advocate, "providing, that, after her majesty's decease, without leave of her body, the same person shall as we ever be, capable to be king or queen of both kingdoms of England and Scotland, subject to the same conditions of trade,

the freedom of navigation, and the liberty of the plantation to fully agreed to, and blessed by the parliament and kingdom of England, in favour of the kingdom and subjects of Scotland, at the sight and to the satisfaction of this or any ensuing parliament assembled, or the next meeting of same." After the clause was read, it was moved, that it should be added to the Act of Security, instead of the clause offered by the earl of Roxburgh, and this motion was seconded by all the country and their dependants. After a long debate, some urging, to have the clause offered relating to the customs of government added to the Act of Security; others moving, to have the clause relating to communication of trade added, it was proposed, that both the clauses should be joined, and added to the Act of Security, which, on the sixth of July, was, after a long debate, carried by a majority of seventy-two voices. Sir the marquis of Annandale, lord president, and the duke of Argyll, protested against it, in which several others followed.

On Monday by Mr. Fletcher on the Act of Security; August 1. The lord high commissioner signified to the estates, that in respect a great many of the commissioners from the royal burrows were to meet in the convention of burrows the week at Glasgow, he thought fit to adjourn the parliament for some days, and it was accordingly adjourned till the Tuesday after. The vote was very much controverted by the country party, who thought it more reasonable that the convention of burrows, which related only to their own trade, should have been adjourned, than the parliament, which had before them the present and future concerns of the whole nation, and whose vote of so great weight, as had ever been laid before the estates since the foundation of our government. On this occasion there were several sharp speeches, and one particularly by a very great man, who, as he took notice, that the expense and charge of a high commissioner now, was far greater than that of our king was formerly; but, our country, since the union of the crowns, being more accustomed to command than to receive, the address went on, upon which occasion,

Mr. Fletcher made the following speech. "My Lord Chancellor: It is now said in this house, that parliament, and especially long sessions of parliament, are a heavy tax and burden to the nation, I suppose they mean so things are usually managed: otherwise I should think it a great reflection on the wisdom of the nation, and a manner very pernicious to our government. But indeed in the present state of things, they are a very great burden to us. Our parliament seldom meets at winter, when our country burrows and the goodness of the air make us less at town with respect. Our parliaments are sitting both in good time and season, and we are made to feel the whole year. We must one day or three; though no reason can be given why we should not meet every day, sitting each a day up to an evening

[illegible]

Other Classes were afterwards offered, and, notwithstanding the strong opposition from the students, added to the Act, which, on the 15th of August, was read, and appeared to a majority of 28 yeas.

Excess losses after the 2000 test averaged 16.4%

Act, Mr. Fletcher made two speeches about giving the royal assent to the Act of Security, and one concerning the Queen's Negative, as follows:

"My Lord Chancellor; I know it is the national programme of his agency, that no act of this house shall leave the face of a law without her royal assent. And as I am undoubtedly one of the least common-sensical persons in the world, I go not down to every act which shall be laid before him; no more particularly the Act for the Franchising of the Kingdom, which has already passed this house; we act that preserve us from anarchy; an act that makes a defenceless people; we act that has met the representatives of this kingdom much time and labour to frame, and the nation a very great expense; we act that has passed by a great majority, and above all, we act that contains a clause of the highest importance for the amendment of our constitution. I did not present the other day, immediately after this act was voted, to desire the royal assent; I thought it a great deference to the high commissioners, not to mention it at that time. Neither would I now, but only that I may have an opportunity to represent to his grace, that as he who gives readily doubts the gift; so his grace has now in his hands, the most glorious and inestimable treasure, that any person of this nation ever had, of making himself acceptable, and his memory for ever grateful to the people of this kingdom; since the honour of giving the royal assent to a law, which has a happy foundation for their liberties, has been reserved to him."

“ My Lord Chancellor, On the day that the Act for the Security of the Kingdom passed at this house, I did not presume to move for the royal assent. The next day of our meeting I continued it with all imaginable respect and deference for His grace the high commissioner, and seven honourable persons attended me. If now, after the noble lord who spoke last, I move upon it, I think I am no way to be blamed. I shall not endeavour to show the necessity of this act, in which the whole security of the nation now lies, having spoken to this point the other day, but shall take occasion to say something concerning the delay of giving the royal assent to acts passed in this house, for which I never could bear a good reason, except it is a commissioner was not sufficiently instructed. That that cannot be the true reason at this time, because several acts have had long for the royal assent, in particular, that to ratify a former act, for turning the convention into a parliament, and freeing the Chain of Right, which no man doubts has grace to me friendly instructed to pass. We must therefore look about here for the reason of this delay, and ought to be excused in doing this, - we are little regard is had, and so little satisfaction given to the representatives of this nation, who have for more than three months employed themselves with the greatest industry in the

service of their country, and yet have not seen the least fruit of their labours crowned with the royal assent. They are not less to be qualified, for recognising her majesty's just right, which is a thing of course. This gives but too good reason to those who speak freely, to say that the royal assent is inflexibly suspended, not *de iure* but *de facto*—as still he must be patient in a positive refusal; and that this course of parliament is continued so long, chiefly to make men weary, who have neither place nor persons to bear their charges: that by this means acts for money, suspension of French trade, and the like, may pass in this house, which will not be immediately to reduce the royal assent, whilst the act that contains the refusal, and perhaps the very being of the statute, remain unchanged."

^a My Lord Chancellor, Being under some apprehension that her majesty may receive all advice in this affair, from ministers who frequently mistake former bad practices for good precedents, I desire that the third act of the first session of the first parliament of king Charles I. may be read.

^b Act 3, Sess 1, Parl 1, Cap 4.

^c ACT touching her Majesty's Royal Privilege:
^d *touching the calling and dissolving of Parliaments, and making of Laws*

"The estates of parliament now convened by her majesty's special authority, considering that the persons, stability and happiness of the people, do depend upon the safety of the king's majesty's sacred person, and the maintenance of his sovereign authority, properly power, and prerogative royal; and concerning themselves as obliged in conscience, and in discharge of their duties to Almighty God, as the king's majesty, and so their entire country, to make a due acknowledgment thereof at this time, do therefore unanimously declare, that they will with their lives and fortunes maintain and defend the same. And they do hereby acknowledge, that the power of calling, holding, prerogative, and dissolving of parliaments, and all conventions and meetings of the estate, does solely reside in the king's majesty, his heirs and successors. And that no parliament can be lawfully kept, without the special warrant and presence of the king's majesty, or his commissioners, as no acts, resolutions or statutes, be passed in parliament, can be binding upon the people, or have the authority and force of laws, without the special authority and approbation of the king's majesty, or his commissioners: interposed thereto, at the making thereof. And therefore the king's majesty, with advice and consent of his estate of parliament, doth hereby record and annul all laws, acts, statutes or practices that have been, or up to any petition whatsoever may be, or shall contrary to, or inconsistent with, her Majesty's just power and prerogative always accustomed,

"and declare the same to have been unlawful, void and of no effect in all time coming. And to the end that this act and declaration, which the estates of parliament, from the sense of their bounden duty and their knowledge, have lawfully made, may be more the more exactly observed to that intention, it is by the said parliament, with advice and consent, enacted and ordained, that the principal observance thereof be specially reported to all her majesty's subjects: and that none of them, upon any petition whatsoever, shall or shall to speak, sayings, or do any thing to the contrary hereof, under pain of treason."

"My Lord Chancellor: The questions concerning the king's prerogative and the people's privileges are nice and delicate. Mr William Cochrane, who was one of the wisest men the nation ever had, used to say concerning delicate cases, that he would not proceed through them lawfully, and the people unlawful. And indeed lawfully work, does something more; moderate moderation might always determine all matters in questions between both. By the constitution of this kingdom, no act of the estate, but the force of a law, taken touching by the king's assent, which was his undoubted prerogative. The coach of his majesty's power, though it is our law, as his majesty did a century to our times: but he had no right to refuse without cause. It is particularly manifest, that in virtue of this act, the king may give the royal assent to laws passed by the estates of the kingdom. But it ought to be considered, that this law is only an acknowledgment and declaration of the king's prerogative, and consequently gives nothing new to the power. The act acknowledges that to be the prerogative of the king, that whenever a petition is presented, cannot have the force of a law without the royal assent, and makes it high treason to question the prerogative; because the parliament, during the civil war, had usurped a power of imposing their own votes upon the people for law, though neither the king, nor any person commissioned by him were present: and the new law was wholly and simply directed to abolish and remove that usurpation, as appears by the tenor and express words of the act; which does neither acknowledge nor declare, that the people have a power to refuse the royal assent to any act presented by the parliament. If any one should say, that the lawgivers designed no law, and that the principal counters and promoters of the act dropfully feared they had obtained the negative, as they call it, for the crown; I desire to know they will make that appear, were no words are to be found in the act, that show any such design: especially if we consider, that the law was made by a parliament; that upon the most plain, least equivocal, and most fully of all others, concerning the prerogative. And if those who promoted the passing of this act were under so strong a delusion, to that they had obtained a new and great prerogative in

be given by a declaratory law, in which there is not one word to that purpose, it was the land of heroes that defused their anger of preserving the liberty of their country. I know

in justice have refused their assent to none but such a making of this law: but a practice introduced in arbitrary times, can deserve no consideration. For my own part, I am far from pushing things to extremes, or rather had I hourly enter into the arguments of the war men I mentioned before, and think the people of this nation might have been happier in nothing the making of this law, if such men as have had the greatest credit with our princes, would have let them into the true point of it. And therefore those who have the honour to advise his majesty, should beware of advising him to it as he is: if he would consent to the Act for the Security of this Kingdom, because the inviolable custom of rejecting acts, was introduced in arbitrary times.

The following Speech was spoken by Mr. Ritchie, on the Union of the Act of Security for driving the Protestant Religion.

"My Lord Chancellor; I hope I need not inform this honorable house, that all acts which can be proposed for the security of this kingdom, are vain and empty propositions, unless they are supported by arms; and that to rely upon any law without such a security, is to live upon a shadow. We had better enter upon this act. For then we shall not imagine we have done any thing for our security, and if we think we can do any thing effectual without that promise, we deceive ourselves, and are in a most dangerous condition. Such an act cannot be due to be an act for the security of any thing, in which the most necessary clause is wanting, and without which, all the rest of it is of no force: neither can any kingdom be really secured but by arming the people. Let us not pretend that we have standing forces to support this law, and that if their numbers be insufficient, we may raise more. It is very well known this nation cannot maintain so many standing forces as would be necessary for our defence, though we could exactly rely upon their fidelity. The possession of arms is the distinction of a freeman from a slave. He who has nothing, and belongs to another, must be defended by him, and needs no arms: but he who stands by his own sword, and having thing he may call his own, ought to have arms to defend himself and what he possesses, or else he lives precariously and in discretion. And though for a while those who have the sword in their power, shew from doing him wrong, yet by degrees he will be swayed into a submission to every arbitrary command. Our ancestors by long steady armed, and frequently in arms, defended themselves against the Romans, Danes, and English, and maintained their liberty against the encroachments of their over-princes. If we are not rich enough to pay a sufficient number of standing forces, we have at least this advantage, that arms in our own hands have no less in them, than

our liberty at home, than is desired at our enemies abroad. Other nations, if they shall shew too much weakness before, may by their arms defend themselves against foreign invasions. But we, who have not wealth sufficient to pay such forces, should not, if all our arms were broken, be imagined. For in such a condition without arms, to be directly in the command of a man, to be bound in arms in the event of her majesty's death, would be to have no manner of a security for our liberty, property, or the independence of the kingdom. By being armed, we are the real rulers of our all, and we have not been seen that arbitrary overtake us to constrain still unarmed, while by this way not now under deliberation, we have put a case, which has proved more separate of from England, would be the power of all others. And if we do not provide for arming the kingdom in such an emergency, we shall become a prey and a proverb to the world."

The following Speech was spoken by Mr. Ritchie on the Union of the Act of Security, for making all Military Commissioners about that of a Capital and, upon her Majesty's death.

"My Lord Chancellor; If it be the sad event of her majesty's decease without issue of her body, any considerable military force should be in the hands of our or more men, who ought live in understanding together, we are not very sure what use they would make of them in so near and critical a conjuncture. We know that as the most just and honorable correspondence, when they fail, are accounted in the number of rebellions; so attempts, hands of justice, if they succeed, always purge themselves of all guilt and imputation. If a man presume he shall have success, and obtain the esteem of his hopes, he will not so easily examine the point of right, nor balance so scrupulously the injury he does to his country. I would not but a very man take this for a reflection upon those honorable persons, who have at present the command of our troops. For besides that, we are not certain, who shall be in those commands at the time of such an event, we are to know that all men are free, and the wicked and mean-spirited world has paid too much homage to money, who have subverted the freedom of their country. We see a great degradation in this case in some men, not to consent to any limitations on a parliament, though we should come the same with England. And therefore more due is probably the best opportunity we shall ever have, to striking ourselves from our dependence on the English arm, we ought to manage it with the utmost jealousy and diffidence of such men. For though we have ordered the nation to be armed and equipped, which will be a sufficient defence when done; yet we know not but the sword, which God sends, may happen before this can be effected. And we may easily imagine, what a few bold men at the head of a small number of regular troops might do, when all things are in confusion and disorder. We

the French government, affected promises with you, that all no longer than the government, and in and not to the present moment. I therefore upon the character of they is reasonable above all and good."

He then brought forward the same French source as above. The year of the Secretary of State, in a speech, on the 10th of August, that the French had got upon the consideration of the subject, by sending the Minister of the Interior, to the House of Commons, referred into the Bill of 1810.

It was argued, that, in looking to that matter, the House had already done a considerable progress in the subject of religion and liberty; and that trade was next in order. Upon which several acts for trade were offered and read, particularly, an Act allowing the Importation of all sorts of Wines and other foreign Liquors. As this measure was opposed by several members as prejudicial to the trade of the nation, it was admitted by one of the members, that it was very well known, that the measure on wine, was the chief fund for the civil list; and unless the Importation of French wines were restricted, the government could not be supported, considering that the funds were now very deficient.

This was seconded by one, who represented the great trouble which would arise to the Kingdom in general, and to the towns in particular, by the French trade, and concluded, "Then unless that act was passed, the subjects might place in their hands, and have their steps." To this a second answered, "That, were he heard such words expressed as those come from about the throne, for no other reason, but to annoy and ask of the monarch with pretended strategies of trade, that monarch must be able, liberty to tell them what the House truly. Then he did openly say, that it was plain to all his house, that the nation was ruined in all its commerce, both of liberty and trade, by the most treacherous actions of those, who were in the ministry."

Upon this, some about the throne said, that their expressions might be taken notice of. To which the same member answered, "That he heard themselves about the throne, that his expressions might be taken notice of; but he did it any body to take notice of them, for they likewise say well to you, he had spoken not a certain truth." It was then argued in behalf of the act. "That upon further inquiry it would be found, that the trade with France was a trade beneficial to the nation, because the French took very good in return for their wine." So that, after a long and angry debate, the act was ordered to be marked as first reading.

Next day the Earl of Marchmont desired leave of the House to withdraw an Act, concerning some Limitations upon the Secretary;

which had been lately presented by him, but not yet been read. His desire granted, as soon as his Lordship had with that act, he begged leave to present another motion, which he desired might be then moved, not to "revoke the second of the House of Commons," said, as his Lordship had not signified a law the import of it was only appeared for motion for the reading of between the clock (was in that position, where it subsisted the previous day), as an answer upon those words out of his mouth, but the whole House was in a flame. The motion to have the measure brought, and when to have the Earl, who offered it, called to his feet, and others to have him next to the throne. After the House had showed a general disapprobation against the thing, at length the speaker pursued directly, and the Earl was allowed to read it through; and the said Marchmont desired it might be marked as read; and was seconded by the Marquis of Rockingham and another member. But they were warmly opposed, that there was not a demand, and the Earl of Marchmont persisted only, that the measure might be marked in the manner, expressing the import of it, saying, "That the measure might always be moved the matter of fact as passed in parliament." This was warmly opposed by a member, who said, "That though it is both necessary and proper, that every thing, which is moved in the House, be marked in the manner, yet the act now offered by the Earl of Marchmont might be distinguished by some particular mark of distinction from that kind, seeing the gravity of the members had sufficiently shown their attention, in relation to the consideration of a measure, and had so long as in the terms declared it to be their opinion, that the nation was at present in a very dangerous state for contracting a war with France with England. And therefore the Earl might say, in behalf of the most reasonable measure, was to move, that it might be marked in substance, and not marked in the manner." Another member said, "That he heard an act offered, which seemed to contain some things inconsistent with the Act of Secretary, which had lately passed the vote of the House; and it was not exactly, that the government, which the minister had contrived, that this sort of substance was not to receive the same name, except it should be first and now to supply a. That he very plainly knew, that the House promised the policy, which the nation had already contracted against their neighbours; and therefore he moved, that the kind of another name, as the words of the House, and was her Majesty's representatives to give the royal assent to that act." This motion was seconded by a great many members; and the Earl of Marchmont still desiring to have his act marked in the manner, as a privilege actually due to all countries, the question was put, Whether to mark the measure in the manner, or not?

... and carried to the ground by the dog.

[illegible]

themselves, it should accuse them against the
old resources of the English monarchy upon
their past power, in that case they will be
better than slaves. Or, if on the other hand,
the king should leave their interests up to
the English, without seeming to themselves
the condition better, even if, they were
not entitled to be more or less dependent on
other countries, as they conquered. And
perhaps, it is a more business manner for
them to go to a condition of servitude,
to say it is better, as a reasonable state of
being free and a more, which we might be the
supposed, which is the proper, the best
in all, which is a more, which is a
free-draft, in that. The second, con-
sists of the advice which came out of the House of
parliament, stating that various, then after
the choice of her Majesty's Highness that long
parliament, and I long have in her Lady's
own, shall succeed to the crown of the nation,
that is, some day, as in the year of 1649,
that is, under the language following,
which, together with the coronation Oath and
Crown of 1649, shall shall be in solemn
That all places and shires, baronies and no-
bility, and all persons truly considered
upon our laws, shall ever be given by
parliament; That a new parliament shall
be chosen every third year, and again
themselves from time to time of new. We have
many and that they shall, their time per-
fect. That a committee of thirty six members, chosen
by and out of the whole parliament, without
the voice of either, shall, during the session
of parliament, under the king, have the ad-
ministration of the government, be his council,
and accountable to parliament, with power,
as extraordinary occasions, to call the parlia-
ment together."

After the act was read, the speaker said, "That he had not in this act undergone punishment of a sentence, and it was his opinion, that the nation was not, at present, in a condition for such a punishment, but was instead in a great and urgent need to prosecuting the interests of France, and so late among others for prosecuting that of the peace of Africa. Therefore, in ready truth, he had not then actually to offer, but which he would do, should it be in the very near and distant, and already suffered in every circumstance, occupying only of this kind of work, as he was making a statement. That he would, that the nation might not work, and give the art, and, as he said, he said that, let each party try their strength, and for the moment every the association, and all up the black, in order, to the mind of the phrasing. That then he had changed from to declare his opinion, that he had rather go out as a sentence, the more said France with these conditions of punishment, than the true Providence without it on. His opinion is to consider he would were done, but others regard against it. That the house was now in the middle of a great of trade.

He finished better any other day. He made some debate, and a great deal more, upon the recommendation, to give the royal assent to the Act of Security, a member said, "That he feared the house was to get some business from her majesty's commission in this time; and it seemed, the answer, 'No object at all to be good, and therefore, the next consideration, the present charge as much as possible. That it was to be moved, that there were lately some meetings between some subjects of both kingdoms, in which several matters were agitated, or related to an union between the two nations. That he should not descend to an enquiry into the nature of the papers, by virtue of which the subjects of Scotland did wear upon such a treaty. That those things might be spoke to in due time, but at present he humbly conceived, there were two things worthy the consideration of the house: The one was, that, seeing such a treaty had been entered upon by some of the subjects of the nation, it seemed strange, that nothing of that sort had till this session of parliament been laid before the house; and therefore he moved, That it be now laid before the house, to be considered by the members. The other thing was, that, seeing there were a great many things to be said in relation to this treaty, which might be more advantageously taken notice of at another time, therefore he moved, that a stop might be put to any further proceedings in that matter." The motion was seconded by a great many members: and, after some debate, there was a motion made and agreed to in without a vote, "That the petition, and address, made in the said thing, might be laid before the parliament next session, and declared by a vote of parliament, that the commission granted further and longer was dissolved and expired, and that there should be no new commission for raising of any union between the kingdoms of Scotland and England, without consent of parliament." After this was over, a great many members, moved the commissioner to give the royal assent to the Act of Security, but no answer was made from the throne. At length a member said, That, seeing so much had been said without an answer, it was better to leave the recommendation to his reflections, that, perhaps, he would be ready to comply against next day, and that, therefore, he moved the house should proceed to finish the act against the expedition abroad (which had been marked the first reading) and this was accordingly given upon, put to the vote, and approved.

The *Queen's answer for Assent to the Act of Security.* Sept. 21. The commissioner made the following speech.

"My Lords and gentlemen: It was with great concern to me, that I was forced to be absent yesterday, when so many did appear earnest, that I should speak. I have all the inclination in the world to give you full satisfaction, but I thought, that I might not be so pressed to give the royal assent, or to declare

my instructions to parliament, which I have made known to many noble and worthy persons, besides the queen's servants.

"Now that these matters are let fall, and that you have proceeded to other business, I will now deliver what I am to give you concerning matters any thing, that is in my power, I do you truly, that I have received her majesty's commands, and am fully empowered to give the royal assent to all the acts voted in the session, excepting only that act, intitled, 'An Act for the Security of the Kingdom.' You may easily believe, that requires her majesty's further consideration. At the same time her majesty expects you will read your own votes, in making necessary promises for the crown upon the present establishment; and that you will put the acts and customs on that fact, that the civil law may be supported. And I desire your lordships, to finish these as quickly as possible, that this vote may be put to a speedy and happy conclusion."

The commissioner having ended his speech, a member said, "That, had it been spoke at the beginning of the session, it might have cost a great deal of labour and expense, to have plainly to tell the parliament, 'that all their business was to raise a subsidy for the crown, and customs for the civil law; and that then the session should be happily concluded by an adjournment.'" This was followed by a debate concerning the queen's negative. It was urged, "That the third act of the first session of the first parliament of King Charles 2. (which is the only act, upon which the negative is founded) gives sole made to declare a petition, which had been accepted by the estate, in the name of the late rebellion, of making laws by their own vote, and promulgating such acts, involving the authority at large, without the royal assent. And therefore by the said act is declared, 'That the royal assent is necessary and essential to give the force of a law to the vote of the house;' but from thence it could not be inferred, that the assent could be refused to an act offered, and solemnly passed the house, and that, all officers, the officers had never been interposed; and that but a very few cases." After some debate, a motion was made to address her majesty, "That she would please to signify the house in giving the royal assent to the act." But the question being put, "Address as Proposed or other business," it was carried, "Proceed to other business," by twelve voices. After this, Mr. Pough, who had been necessary to the Treaty of Union, was ordered to lay the minutes of that Treaty before the house at their next sitting.

Proceedings on the Act of Limitation upon the Succession to the Throne. Sept. 13. It was moved, that, seeing the royal assent had been refused to the Act of Security, therefore it was proper to go upon other measures for the security of the nation upon the death of the queen's demise. Against this it was urged, that the house had concluded by a late resolution to go upon measures for trade: To which

it was answered, That this last article had been entered upon, 'after the Act of Security' had passed the vote of the house, and whilst it was not doubted, that the royal assent would be given last; but that now, the royal assent being refused, she knew did naturally refer to the vote at their first grand meeting, entered into the fifth day of May. To that it was again replied, That the Act of Security was indeed now laid aside, but perhaps it might afterwards appear the royal assent, when her majesty had further considered of it; and that, besides this Act of Security, there were some other very valuable acts passed as consequences of that great meeting, such as the act 'securing Presbyterian government, the act respecting the 'Class of Flight, &c.' in which acts the royal assent was now promised by her majesty's commissioners, and therefore it was high time to go upon some further acts for trade. After a long and warm debate, the question being put, 'I proposed either upon the Act for Limitation, 'supplies Commerce for Trade' It was opposed for the latter by a very cry of eleven voices. The vote being over, the 'act for importing Wine' was read, and the question for agreeing it being moved on, the cry was of twelve to one, That, seeing no arguments could prevail with some people to part with their 'merciless and 'perfidious act,' he thought it was very proper, that all honest men, who wished well to the trade of their country and the honour of their queen, should also themselves of the best means to it. And therefore, before the vote was put thereon, he entered a protestation for himself, and in the name of such as should follow to it, "That this act, allowing the importation of French wines and brandy, might not pass, as being directly contrary to her majesty's commandments with the great chamber, whereas the act engaged, and proportional to the honour, safety, interest, and trade of this kingdom." He desired, that this protestation might be marked and inserted in the records of parliament, and the vote was adhered to by thirty yeas, forty three nays, and twenty one representatives of burghs, and there, the debate being put to the vote, it was carried on the affirmative. The next day, Sept. 14, a debate was offered, 'That the Scots ships should trade directly with 'France even in time of war;' but, several members objecting against it, the act was carried by a vote without it.

Sept. 15 It was urged by a member, "That she had been a very tedious and expensive session of parliament. That most part of it had been employed in adjusting the Act of Security of the nation after her majesty's decease; that, seeing this Act of Security was now laid aside, it was therefore high time for the house to employ themselves in making new conditions. That there was an act now lying upon the table, offered by Mr. Fletcher, which he moved might be the standard of future deliberations, so that thereby offered by the marquis of Athol had been the foundation of the Act of Security."

This motion being seconded by many members, the last speaker represented, that the parliament had not a long time without providing funds for the king, which some of necessity he supported, both for maintaining the peace at home, and for defending the nation against invasions from abroad: that there was an bill now upon the table, which had been long before presented for that purpose and he moved, that it might receive a first reading. This was opposed by a member, who said, "That it seemed very unreasonable to propose a supply at that time, when the house had so much to do for the security of the nation - it being well known, that this parliament should have as time allowed them after the supply was granted, enough, for his part, he was not only unwilling to go upon the supply at that time, yet he thought it was very little encouragement for the nation to grant a supply, when they found themselves distressed of all their labour and expense for these several months, and when the whole nation was, that the supplies serve for no other use, but to gratify the vanity of some mercenary members." This occasioned a long debate, and many warm speeches, were made on behalf of Mr. Fletcher's act in particular, and on the state of the nation in general; and at length Mr. Fletcher himself spoke in favour of his own act, entering into the detail of it. Among the many arguments for passing it, and the good consequences which would arise from it, he urged, "That it would save a great sum, which was nearly expended by such as went to court to look after places. That the sum might serve for a good stock for trade. That by this act the nation would be free from the influence of English members, by having their own places bestowed by a Scots parliament. That such an establishment would not turn the face of the Scots government into a commonwealth, since there are precedents for it in some of the most absolute monarchies in the world, particularly China, where all offices are bestowed by the prince upon recommendation from his several councils in the several parts of his kingdom: nor would the prerogative be impaired by it for as in the prince's council, it was only changing hands between the advice of an English country and that of a Scots parliament. That a Scots parliament must know, who are proper for the service of their prince, and much better than English ministers, who, through their being unacquainted with the Scotsness and Scots affairs, might commit mistakes harmful to both nations. That the English would be losers by this Act as well as their prince, since all the advantage, they had by the present establishment, was to have the vanity of deserting Scots officers by the favour of a few of their own ministers, who (as appeared of late) had very much more than the interest of England, in some divisions they gave relating to the Scots affairs. That by these means Scotland was impoverished, and rendered incapable of giving that assistance against the common enemy, which otherwise

they were allowed to raise their own iron and minerals to the full average. That these duties were a constant drain on the nation's money in their present situation, and would certainly depress the price held on any opportunity of obtaining iron ore, though to the cost of their employment.

The Chancellor made an answer to the speech, representing the act as being a relief for a country, and tending to increase the prosperity of the monarchy. And then the ministry offered a vote for giving a first reading either to Mr. Fletcher's act, or to the act of subsidy. There were many of the country party, who had no wish to go to the full extent of Mr. Fletcher's act, but were willing to go upon the consideration of measures for the liberty of the nation. These urged another state of a vote, viz., ' *contains an avowal,*' or ' *avows for liberty?*' But the ministry passed the first state of the vote. Upon which Mr. Fletcher observed, " That he had the honour to offer an act for securing the liberties of the nation against English influence. That it was his opinion, that the condition of the nation was so far gone into ruin, that the progress in the act were absolutely necessary for an relief. That he declined not to make this appear by reasons unanswerable; but that he found some people very ready to pervert the meaning of good designs; and, but any such had handle should be made of an overture, which he had sincerely designed for the good of his country, he begged leave to withdraw his overture." adding, " That he should be very ready to go into such overtures, as the wisdom of the house should judge most proper for the honour and safety of the nation." Then the other state of the vote was offered, ' *contains no liberty,*' or ' *avows for a subsidy?*' Here the ministry were at a loss, for they knew, that overtures the liberty would be carried; and, by Mr. Fletcher's withdrawing his act, they were obliged to look out for another state of a vote. They put this to a consultation about the liberty, during which time the members called upon all sides of the house for a vote upon the question, as stated, Liberty, or Subsidy, and a great many were expostions were thrown out against the ministry from people of all ranks. After some time spent in this manner, during which several questions and respectful overtures of differing sorts of questions were made the expostions raised from the throne, " That, if the house would agree to allow a first reading to the subsidy act, he did propose, That, it should not be heard of for three meeting sessions." To this a member answered, that he believed, that those about the throne did not expect, that this overture would take in the house: that the object of it was plainly this, that the act for a subsidy should get a first reading now; then the house should have three short sittings for the liberties of the nation; and the fourth should complete the subsidy; after which, the house

it is offered; but, that he thought that this was better acquiesced in, than to be sitting by such overtures." Another member observed, that it was a wise plan, the custom was to put no other titles for their expenses; and, then to be put to the charge of a subsidy, and to lay down their works under the yoke of slavery, which was prepared for them by Mr. Fletcher." A third member said, " That he trusted upon having a vote upon the question, which had been put. That he found, that as the liberties were expressed, under the privilege of parliament were his to be born from them; but that he would rather sacrifice his life than it should be so, and should rather to ' *die a freeman,*' than ' *live a slave.*' Some proposed for the vote, and particularly the earl of Bessborough, who added, " That if there was no other way of obtaining so rational and desirable a privilege of the parliament, they would demand it with their swords in their hands." Whether or not the commissioners had information, that the house would adhere to what they proposed to be done, it is certain, that the first guards were ordered to be in readiness, and that, for several days before, a grand-guard was set upon the Middle-row port, and lieutenant-general Banning was heard to say to his captains, " That order would be found to make ' *the parliament calm enough.*' However, the commissioners, perceiving he should be sure in person, if he witnessed the formidable opposition he was against him, ordered the chancellor to acquiesce in the vote." This it was yielded the parliament should proceed upon overtures for liberty next session." Upon which assurance the members met the next morning in order to prepare an overture for their purpose, which was as follows: " That the elective members should be chosen for every seat at the Michaelmas next; that there should be a parliament held once in two years at least; that the short adjournments, as also as then, should be made by the parliament themselves as in England; that on either of the army, customs, or excise, or post-office payments, should act as an elective member.

The Lord High Commissioner's Speech at the Adjournment. If such an act had secured the establishment, the country-party had resolved in giving a supply, but the commissioners was not instructed to purchase time that way, and having notice of what passed, he called for such acts as he was empowered to pass, and having given the royal assent to them, made the following speech to the parliament:—

" My lords and gentlemen; we have now passed several good acts for our religion, liberty and trade, which, I hope, will be acceptable to all her majesty's good subjects. I wish you had also given the supplies necessary for the maintaining of her majesty's forces, and preserving the peace and safety of the kingdom. But since, I hope, this may yet be done in due time, and that besides

some questions and difficulties were taken, that, in all probability, you can have no time to discuss them. But that which, it is fit for us to consider, should have been considered upon such matters, that have been laid before a house; and, therefore, more than five hundred should be more particular, a short debate appears, it pleased us to be contented. But that will be sufficient to us, and to many more—and therefore I have added only to it, in other respects, that parliament would be able to discharge with. Which the Lord Chancellor did accordingly.”

Mr. Pender afterwards was the first of January 1661. The Death of the other offered by Mr. Pender would be that upon it, not as before.

“At Court, however, I have wanted long and with great patience for the result of this year; or yet if I could discover a real and necessary cause in the members of the house to govern the business of our country in this great and perhaps only opportunity. I know there are many different causes among us, and all were joined for the good of the nation. But every member is obliged carefully to examine the times before us, and to act according to his knowledge and conscience, without regard to the views of other men, whether clergy or laymen may have for them. I am, every man rather than obliged by the oath he has taken to go such where as he thinks most expedient for the good of his country. The principal business of this session has been the forming of an

“Thus ended this famous session of parliament, in which the greatest part of the minority had abandoned the cause of Queen Mary, and particularly the earl of Seafield, lord chancellor, the marquess of Athol, lord presbyter, and the lord treasurer Tarkie, secretary of state, with all who depended on them; yet, upon the conclusion of the session, the marquess was made a duke, and the lord Tarkie earl of Cromarty, which looked like rewarding them for their opposition. The marquess of Dornoch, though earlier age, was likewise made a duke; the remnants of Star and Hamilton were created each of the same name—the lord Boyle, earl of Glasgow; James Stuart of Dun, earl of Dun; Charles Hope of Haddington, earl of Haddington; John Crawford of Kilbrack, viscount of Glenoch, and Sir James Fraser of Carrington, viscount of Fraser. Soon after, the terms resolved to reverse the order of the Thistle which had been used by her father, he was let fall by the law long. It was to be carried in a great debate, as the Glasgow is able, and the glory was in the form of a St. Andrew's cross, with a white cross in the middle, duple and Athol, Ardenburgh, Glenoch, and Seafield were the last who laid in the number being limited to twelve. To such a length did the disorders in that kingdom run, that great skill and much great power seemed necessary to set matters right there. The union and joining between them, which had been

done for the security of the kingdom, upon the expression of the present mind of the crown. And though one would have thought, that the most essential thing which could have entered into such an act, had been to maintain the constitution on which the nation would receive a government, yet this has been opposed, moved and answered by us house. Only that it is necessary inserted in the act, that the measure should not be for the same person who is to succeed in England, unless such conditions of government be first secured, in order to secure the freedom of the nation. But then a general and indefinite condition, and finally said, that the measure should not be of being declared to be valid by going as far as their considerable loss. So that the session of parliament, in which we have had so great an opportunity of making speeches for over a fore people, is like to terminate without any real recovery for our liberties, or any essential amendment of the constitution. And now, when we ought to come to particular, and exact such limitations as may fully satisfy the general cause, we must content ourselves with things of little significance, and hardly remove any limitation as essential or consequence. But instead of this, acts are brought in for regulations to take place during the life of the queen, which we are not to suspect, and open doors on off from the business we should attend. By these methods doors well meaning men have been deceived, while others have proposed a present composition of a new course under limitations. But I fear the far

most access to the last reign, and the threat shown to them, who were in King James's interest, had an appearance of being matters out of an access to a temper; and it was much engaged by those who intended to share the queen, on design to save her. Though the same measures were taken in England, yet there was less danger in following them there, than in Scotland. There might be easier observed, and more corrected, where persons are in view, and are watched in all their motions; but this might prove fatal at a greater distance, where it was more easy to deny or palliate things with greater assurance. The Duke of Hamilton's engaging all things in himself, increased the danger on the side he was on. He had begun a practice of drawing out the sessions of parliament to an unusual length; by which his appointments exhausted so much of the session, that the rest of the measures were not paid; which will always cross themselves. He trusted entirely to a few persons, and his conduct was liable to just expectations. Some of these, who had the greatest credit with him, were believed to be engaged in a large interest, and his passing, or rather prosecuting the act, which opened a correspondence with France, was considered as a design to settle a commerce there; and, upon that, his fidelity or his capacity were much questioned. Trade

greater part have designed to make their court either to her majesty, the house of Hanover, or those of St. Germain, by maintaining the prerogative as stretched as high as ever, to the perpetual enervating of this nation to the weakness of England. Therefore I, who have never made court to any prince, and I hope never shall, at the risk of the least popularity in my country, have myself engaged in discharging of my conscience, and the duty of my native parliament, to offer such limitations as may answer the general clause in the Act for the Security of the Kingdom, and thus I do in two draughts, the one containing the limitations by themselves; the other with the same limitations, and a blank for inserting the name of a successor. If the house shall think fit to take into consideration that draught which has no blank, and reject the limitations, I shall not shrink, being as little fond of naming a successor as any man. Otherwise, I offer the draught with a blank: to the end that every man may make his court to the prince he most affects; and hope by this means to please all parties. The court in offering this an opportunity to name the successor of England, a thing so acceptable to her majesty and that nation. Those who may favour the court of St. Germain, by giving them a chance for their pretensions; and every true Whig-man in vindicating the liberty of that name, who ever be the successor.

First Draught.

"Our sovereign lady, with advice and consent of the estates of parliament, statutes and orders, That after the demise of her majesty, whom God long preserve, and father; least of her body, no one shall succeed to the crown of the realm that is likewise successor to the crown of England, but under the limitations following, which, together with the Oath of Supremacy and Oath of Right, they shall swear to observe. That all plants and offices, both civil and military, and all persons formerly employed by our kings, shall ever also be given by parliament.—That a new parliament shall be chosen every Michaelmas next ensuing, to wit the first of November thereafter, and adjourn themselves from time to time till next Michaelmas; and that they choose three or four presidents.—That a committee of thirty or more members, chosen by and out of the whole parliament, without distinction of estates, shall during the intervals of parliament, under the king, have the administration of the government, be his council, and accountable to parliament with power in extraordinary occasions, to call the parliament together."

Second Draught.

"Our sovereign lady, with advice and consent of the estates of parliament, statutes and orders, That after the demise of her majesty, whom God long preserve, and least of her body failing,

shall succeed to the government of this

realm. But that in case the said princess be likewise the successor to the crown of England, the said successor shall be chosen by the limitations following, &c."

"No man can be so ready to dissent, as I am, in case we have the same king and England, except he who is so dissatisfied in his opinion either of the court at St. Germain, or the house of Hanover, that he would make the freedom of England to depend upon an English successor, than that their prerogative should be any way lessened in this kingdom. As persons who have St. Germain in their view, and are accounted the highest of all the prerogative men, I would ask them, if we should add them to advancing their prince to the throne of Great Britain, are we, for our reward, to continue still in our former dependence on an English court? These limitations are the only way to discover a lover of his country truly superior either to her majesty, Hanover, or St. Germain. For prerogative-men who are considering the estate to the direction of another court, are enemies to any reform; and let them pretend what they will, if their principles lead necessarily to subject this nation to another, we enemies to the nation. These men are so absurd as to provide England, and yet resolve to strip our shares of this crown. This country must be made a field of blood, in order to advance a puppet to the throne of Britain. If we fail, we shall be driven by right of conquest; if we prevail, have the happiness to continue in our former slavish dependence. And though to break this yoke all good men would venture their all, yet I believe few will be willing to be at the mercy of France and papery, and at the same time draw upon themselves the indignation and power of England, for the sake only of increasing our strength with a much more powerful nation; and to be sure to continue still under our former dependence, though we should happen to prevail. Now of those who are for the same successor with England, I would ask, if in that case we are not also to continue in our former dependence; which will not last always to pass from bad to worse, and at length become more intolerable to all honest men, than death itself. For my own part I think, that even the most anxious protestant in the nation, if he have a true regard for his country, ought rather to wish, were it consistent with our Oath of Right, that a paper should succeed to the throne of Great Britain under such limitations as would render this nation free and independent, than the most protestant and best man without any. If we may live free, I hold a blank is king: it is indifferent to me, provided the limitations be inserted, to name or not name Hanover, St. Germain, or whom we will."

"My Lord Chancellor, His grace the High Chancellor having signified to a house that he has dismission from her majesty on the 1st of royal warrant to all acts passed in the month except such for the security of the kingdom."

and it is highly necessary to provide some new law, by committing our interests upon the subject to the present mind of the House. And therefore I am obliged to the first words of the proposition used in the debate, as I offered to alter this, not only so that it is the first of order but because I personally myself give others that preference, not only to the words, but also to the manner of appearing in the House at their meetings and arrangements, together with the conversation of members to support the administration of the government during the intervals of public business, all these if it were necessary, might be proved by some of number of public men. So that I should commit the care and reputation of the law itself, there still remains no great difficulty concerning them.

My Lord Chancellor, The conduct of a people, however unhappy, if they not only have the virtue of their country, but have also the vanity in their power, and yet should refuse to apply it, was would itself, were not to be pitied. And though the condition of good men, who are concluded and oppressed by a majority of the bad, is much to be lamented, yet it is only teaches us to desire a greater measure of compassion to those who are knowingly and voluntarily subjected to such harsh dominion, and others. But the regret of every man and good man must needs be extraordinary, when he sees the liberty and happiness of his country not only obstructed, but utterly extinguished by the private and temporary interests of self-dragging men, who indeed may often meet their own ruin, but none certainly long destruction upon their posterity by such means. Now if a man who is interested by others, should for his own private advantage betray that trust, to the perpetual and irreparable ruin of those who trusted him, the lawless power and despotic violence for so great guilt, will undoubtedly arise and render the punishment of such a man, as often as the transgression past he has acted shall recur to his thoughts, which will more frequently happen in the cases of his distress, and the more he approaches to a life in which those miseries are perpetual. But I hope every man in this House has as well considered these things, as a representative has from falling into such terrible circumstances. And (as all men are subject to great fallings) if any person placed in this most sacred trust, is conscious to himself of having ever been wanting in duty to his country, I doubt not he will this day, in this weighty matter, stand for all, and not lightly follow the opinions of other men, because he alone must account for his own actions to his great Lord and Master.

The resolution, to which I am about to speak, shows, that all powers, either, and persons, which have been formerly given by our laws, shall, when they expire, and be a of her body, be conferred by parliament as long as we are under the same peace with England. Therefore this resolution, our poverty and situation in the case of England will carry day forward.

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and the question we have now before us is, whether we will be sovereign, or slaves; for ever? whether we will be men or deposed, or break the yoke of our dependencies? and whether we will choose to live poor and weak, or rich, free, and happy? But we must thank ourselves, that this is what we have the whole power of the people. For the vote, resolution or determination is based on one of a man at absolute monarchy in the world. I have very good authority for what I say, from all the best men that have tried of the government of China, but shall only use the words of an able minister of mine, who had very well considered whatever had been written on that subject. I mean Sir William Temple, who says, "That for the government, it is absolute monarchy, there being no other laws in China, but the King's orders and commands, and a military authority, still descending to it, even of blood. But all orders and commands of the King passed through his council, and are made upon the recommendation or petition of the council proper and appointed for that office, nothing is without is debated, determined, and concluded by the several councils, and then upon their advice and request made to the King, they are raised and signed by him, and so pass into law. All great affairs of state are likewise confirmed by the King, upon the most common resolutions or petitions of his several councils, so that there are prevented by the hands of the people, himself, not by direct of any man in, by Estery or corruption, but by the force or appearance of merit, of learning, and of virtue, which chosen by the several councils, give their recommendations or petitions to the King." Thus are the express words of that minister. And it is due the greatest absolute monarchy of the world, this country where the prince actually resides: if among heathens this be accounted a necessary part of government for the encouragement of virtue, shall it be denied to Christians living under a prince who resides in another nation? shall it be denied to a people, who have a rights liberty, and yet are not capable of any in their present circumstances, without this limitation? But we have formed to ourselves such extravagant notions of government, that even in absolute monarchy nothing is to please, which is the best derives from the rank of France, and every thing else must stand branded with the name of unconstitutional. Yet a great and true people too if the very condition of government necessary to support even an absolute monarchy. If any man say, that the empire of the East contains no such kind of government, and that the rule of the emperor, and his knowledge of particular men is not extended to all. I answer, the case is the same with us, and it seems as if that same people designed this resolution for a remedy to the弊 disease contracted with those who labour under it this time.

The resolution will undoubtedly catch the notice, by supposing this perpetual in a country for England, which long enjoyed it, country

and upon these expedients

over-top that upon

I read from the papers of

I shall certainly look longer

in this of us in the terms in which

as it came into the modern order of

or Holland; and not permit them to

show to a very different way, as to the

approach of the nation they have to

make, pay, clothing, women, love-making,

gayness, transport happy in the

Having then made up of the rest of

agencies have been at hand to the nation

which we have of it, as I have to add

any more that it is not only, as I have to

equally, but more with a view to the

ing, having demonstrated the way of

with a condition in all cases, which was in

great length; and that without it was in

for every nation, as a dependence upon the

part of England, as the name of G. H. H.

lenders as I can only say to give a blessing,

but because her majesty will show the way

ment to the world. If she do, then I am, with

a united most profound from the whole of the

his consideration; and with me that for a

contribution to us, that after I am partly and

part of her body, we must not, must not,

longer continue under the same peace with

England? Shall we be waiting to ourselves?

Can her majesty give her consent to the

law upon a subject before you offer it to

her? Is she at liberty to give us satisfaction

in this point, tell me how we are declared to England

by a vote of the House, that with a view to

the crown, we will not mean the same

matter with them? And then will we not

regret, even by English advice, be persuaded

to give her answer; when her consent shall

find it to incur the heavy reputation, and

and the first process of dealing these women

before? If otherwise either refuse, however

of measure have any influence upon us; if

we have any regard either to ourselves or

our way; if there be any such thing as justice,

happens as reputation in the world, or

liberty in a future story, let me advise you by all

means, not to draw upon your heads every

thing, attended with the natural consequence

and anguish of an evil conscience, by making

yourself and your posterity so wretched.

The following speeches by Mr. Fletcher,

being upon the same subject, are inserted

here, though not in the order of time in which

they were spoken.

"My Lord, Sir, I am sorry to hear

what has been just now spoken from the throne.

I know the duty I owe to her majesty, and the

respect due to her command, and therefore shall

obey with a just regard to both.

But the duty I owe to my country obliges me

to say, that what we have now heard from the

throne, seems of necessity to proceed from English

councils. If we had chosen but that these

measures should take place during the life of her

majesty, or of the late, deceased Lady, perhaps

the same measures might have been taken

with more wisdom and discretion.

I am, Sir, your obedient servant.

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protection may not be given, that is, to dispose of ourselves and places of this Kingdom in business the English better, they will manage every thing to that degree, that if any of our interests in their way they will get them ruined. Let us now say, that it cannot be proved that the English have ever carried us any farther in this country. For they bestow all offices and patronage; they take us, and are masters of us at our own cost. It is nothing but an English interest in this house, that does us with still in our country, have to struggle with at this time. We say, if we please, dress of other members, but so long as Scotland assigns to the English want to obtain offices of trust or profit in this Kingdom, those offices will always be managed with regard to the want and interest of England, though to the detriment of the interest of this nation, whenever it comes in competition with that of England. And what loss can be expected, unless we be able to expect ourselves, and that profits, offices, &c. but for the most part, notwithstanding, we are involved in great debts, surrounded with great families, and having great titles to support, will lay down their places, rather than comply with the English interest in whatever is the prince's commands? Now we find some men approving this, and asking the English members, "In doing the same, should have the disposal of places and patronage is withheld, unless that their own preference, is master of their advancement, but that it should be as much as a question in the preference, whether we are indispensable, and if an indifferent person should judge, he would certainly give it to an English preference. Every man knows that patronage gives places to persons by the influence of those who advise them. So that the question comes to us more than, whether this nation would bear a better condition, if the governing our places and patronage the prince should be determined by the parliament of Scotland, or by the measures of a court that make it their interest to keep us low and miserable. We all know that this is the cause of our poverty, misery and dependence. But we have been for a long time so poor, so miserable and depending, that we have either lost our courage, though we must not the more, to let ourselves."

Mr. Fletcher's Speeches upon the House Act.) Mr. Fletcher at Glasgow, made the following Speeches upon the subject:

"My Lord Chancellor,—This is not for expending a law made in the year 1763, which prohibits the importation of French wines. We were then in peace with France, and at war with a declared war against them. The prohibition was made in time of peace, because the French had greater importations upon our trade than they did upon other nations; and yet we feared, that French wine may be imported in time of war, though not only the wine, but our harbours are laid upon our merchandise in France. 'Tis pretended that we

shall not trade to France directly, that way they French wine from certain nations, who trade to that country with our goods. I will allow all that, though it be true; but what is the necessity we should take French wine from those nations for our consumption? Shall they not sugar, rice, gold, tin, drugs, &c. and timber for building of ships and other uses, which we need? or if our consumption of these things will not consume the value of those goods they take of us, may we not export the surplus to other parts? Shall we diminish the taxes, or greater importations continue still upon our merchandise in France, so as we may get of those neutral nations to high a price for our goods, as if the importations in France were taken off, the value of the law made in 1763 will remain. And if we had suffered custom to prohibit the importation of French wine by our own ships in time of peace, shall we purchase French wine from other nations in time of war? The French would not receive our goods in time of peace, upon equal terms with those of other nations, which obliged us to take their wine. Shall we now take them at a double value in time of war? or are we become greater friends to France now in a time of open war, than we were before in time of peace? Something might be said, if no man were to be found in Portugal or Italy. But it seems no war will place us, but that of a country, in which we are at actual war, and which war will both in peace and war. They would have thought that the past services of a nation, which has more than once saved that house from ruin, might have obliged them to a more tolerable usage of us. But if we will say, we are yet a better people than they, if whilst they continue to suppress our trade, we retaliate a law, for which we have now more and better reasons than when we made it. To repeal such a law in time of war, will sound extremely well in England and Holland; and it is not less than a direct breach of our alliance with those nations; a formal renunciation of our advantages we may pretend in a treaty of peace, and surely calculated to reduce the world of the satisfaction of our nation. If we would trade to Portugal and Italy, we should have the benefit of the English and Dutch customs. We might trade in our own ships, not in Sweden, Greece, and Hamburgh, to the ruin of our navigation. For if they drive our trade from us, we may indeed have our ships and place our trade, as has been said. And therefore I argue that this act, as prejudicial to our trade and navigation, and highly injurious to the honour of the nation, may be thrown out."

"My Lord Chancellor,—One would think that all our lawyers should be of the most undisciplined pride, and that selfish and dangerous should have no place in their numbers. For if those who give laws to other men, have not the good of the nation they govern in view, but are ready to sacrifice

great thing is that our private interest, such as competition can do, must be of the last consequence to a parliament, by abstracting the attention of the people from those who shall be found guilty of such practices. My Lord, no man in this house can be ignorant, that the act will not only open a trade and communication with France, thereby creating dissension of war, and our own trading fleet, but that the doing of this—who promote the passing of this act—is to have a trade directly with France. You know that 500 ships are already loading with at Dunkirk for this kingdom, and that a French frigate or tenderly arrived in this city. Besides, it is known, that a ship belonging to the port, and freighted with wool from France, is now lying at Quaintony-road, not 10 or 12 miles from this place. The persons indeed to be a Dane because the owner has been a Dane, who the year next for no other reason than that she came into port upon a French vessel. This ship has an officer and three crew on board, sent from one of our frigates for her freight, who are wholly refused to pursue the persons that were imprisoned in the ship, to examine her, unless they should produce an order from the captain of the frigate, without any lordship. And as if our act for ships built out of French woods were already repealed, and our collectors, no less than our former king, might do justice with the law, another ship loaded with the wool of that country has been brought to the Clyde, and has delivered into the city of Glasgow, during this session, in contempt of the law, and the authority of the parliament. All this, and much more of the same kind, is well known to those who are in the administration, and it seems not to think it their business to take notice of such practices. But I hope the business will not overlook these very circumstances, and since the executive part of the government returned to that state, that hardly any law is put in execution, the parliament, according to the many precedents we have in former years, will give notice for a better administration in time to come, and take especial care in those who are placed in the highest trust, shall not be the least day executed, especially year building, who during the intervals of parliament, while principal persons in the government, ought to be answerable to the nation for their due execution. Now the great argument which is used for allowing the importation of French wool is, that we shall certainly have the wool of that country, though very bad and very dear, if the prohibition be continued. Which is only to say, we have no government among us. Two good laws were made in the year 1793. One against the exportation of our wool, the other against the importation of French wool; the first to give a being to a woollen manufacture in this kingdom, the latter to vindicate our trade against the importation of France. We have already rendered the first ineffectual, in the ruin of our woollen manufacture; shall we now repeal the other?

Shall we send them our wool, and buy their wine, and oblige them doubly for both, and oppressing us in our trade? It is certain that the custom arising from the importation of French wool must serve to pay the tariff, because the French demand value for value, the wool value. A very elegant argument, shall we know, that the custom has been taken from the farmers, only to deliver it into the collectors' pockets upon parchment? Shall we make good such funds as, collected, by being sent to being paid to France? If any justice were to be found in the nation, the citizens of these things had long ago been brought to a trial. But suppose it no more will be so, were more necessary, more necessary, and more necessary to the interests of our government, that they are bringing parliament, so there is nothing but distress and hardship, and I think there would be a double loss here, a great loss, paying it down from such corrupted members, who, if we had done, we had not sent with so many delinquents and obstructions of the public mind. But I hope such a trial will be made in the future, and for the present, my lord, chancellor, I move, That this act not taking off the prohibition of French wool, as a design of the highest crime, harmful and prejudicial to the nation, and highly reflecting on our ministers and administration, may be the result."

Mr. Fletcher's Speech on the Act for a Supply. Mr. Fletcher said:

"My Lord Chancellor, I am not surprised to find an Act for a Supply brought into this House at the beginning of a session. I know custom has for a long time made it common. But I think experience might teach us, that such acts should be the last of every session; or be upon the table, till all other great offices of the nation be finished, and then easily granted. It is a strange proposition which is usually made in this house: that if we will give money to the crown, then the crown will give us good laws, and if we were to buy good laws of the crown, and pay money to our peers that they may do their duty, and comply with their coronation oath. And yet this is not the worst; for we have often had promises of good laws, and when we have given the sums demanded, those promises have been broken, and the nation left to seek a remedy: which is not to be feared, unless we obtain the laws we want, before we give a Supply. And if this be a sufficient reason at all times to postpone a money-bill, can we be blamed for doing so at this time, when the duty we owe our country, indispensably obliges us to provide for the common safety in case of an event, altogether out of our power, and which must necessarily dissolve the government, unless we consent and secure it by new laws? I mean the death of her majesty, which God as has many long years? I mean therefore, that the house would take any disadvantage what exists or contrary to reason our religion, liberty, and order."

that we are under no doubt, first, almost one half of all Americans are over the majority. The present party is almost of race, and of party, nature. But this is of course, the first step in the process of disintegration, and less than a half of the population are yet here. The present party is almost of race, and of party, nature. But this is of course, the first step in the process of disintegration, and less than a half of the population are yet here.

"And he who thought himself a man, a hero, broke the message of my father, and of his wife, and treated them, and all nations still as good as he, as slaves, and as such, with a language appearing to approve by the time, and by his action, so that the Great nation, affording a noble example in this affair, it will in moments be accessible to every man, wife, and child, as allowed in many rich countries as possessions, and security in this case. For if the state of America be any more than a victory, it is in the power of his grandfather to make him king, and dispose of him and his dominions at pleasure. But I have found the secret. You will say, pray, what is it? If he can reach here, I can see as well as he, if you had any goodness in you. It was the prodigious of preserving the power of Europe, in which you are the only to trust, is founded. I have however, all the real power, the as well as you. Ay, but you do not sufficiently reflect upon the immense degree of this party in clearly demonstrating a perfect example in it all that the world really know in this way, in order to maintain the peace and quiet of the poor people of this type. This was the thing that made us first sacrifice the half son of Christendom, together with a considerable part of our trade, then which, when, by the performance of our services, the world, that had sent us with a similar in return, was indignantly broken to the rest of the world, and putting ourselves into a state of the most imminent danger, we took us light as if out, so irreparable injury with such a bloody reputation, and then this pain, as neither by word or deed to have the least mark of recognition. But this is in Christendom, that we might the good to those who used us desperately, and by wars of darkness and darkness, have them back in a name of what they owe to us, we did not the calling of the great council of the nation, till they had sent the one long to his kingdom, and put themselves into a posture of waiting. Many and thousands, which they have made almost. And now we are to perform, to make some more sacrifices, or rather sacrifices.

himself both here and in Holland. Was the design so criminal? Or could France do so much a benefactor? I am afraid, I put such a mark of suspicion on the case that you will begin to like it. And is not such a measure-and exchange of counts- indispensably necessary, who knows, not perhaps necessary- it will be, for some time, an access of persons to the crown of England and how is this to give the Kingdom of England to Spain, which is necessary to make more contented her Spaniards. Therefore, a situation of strength is more advantageous than war. What a glorious position will be the three Kingdoms and the numerous provinces be? Might they not, when so and so, derive war and absolute peace (for people such delicate compare, and so useless as each other in trade, seem necessary to require a full defence not only to France, but to the world. Might they not be even similar in themselves to the empire of the sea, but no more necessary of trade, especially if a should please her to move all her other actions, by having them possessed of such commodities as might reduce the necessities of their trade for ever. In short, after all, such a probable way of raising the power of France! Or is it not the only way of raising both our and our religion, which is our main concern? you bring me of understanding, I rather believe it thus with you, though you should think me a courtier. For touching the judgment you shall make of what I have said, it will appear, whether it be possible to save you or not, and consequently whether it be to any purpose to give you or myself any farther trouble.

1204

July 2, 1916. The Parliament of Scotland met at Edinburgh, and her Majesty's Commission to the right honorable the viscount of Trevelyan, for representing her royal person in the session of parliament, was read by the Lord Clerk-Register, and ordered to be recorded.

The Queen's Letter to the Scotch Parliament, July 11. They next again, and her Majesty's Letter was presented by her grace the Lord High Commissioner, which follows in this manner.

" My Lord, and Gentlemen; Nothing has troubled us more than was necessary to the persons of these ladies, than the unexpected declaration is that our nearest kinsmen — We hoped, that the foundation of the difference and contention that, to our great regret, we always used among you, did not lie so deep, but that by the methods we have proceeded in, they might have been removed — But, as that it seems to us not without care, the first is become void, — say, decisions have proceeded to such a height, as to produce instead of encouragement to our friends beyond sea, to complicate their divisions among you, in order to debauch our good subjects from their allegiance, and so render that our power beyond a scene of blood and

nothing hath escaped her Majesty's care, that may in any way contribute to make you a flourishing and happy people, she releasing the soldiers, peace and prosperity of her subjects, the only way to her own greatness and happiness.—And yet, as if all this were too little her Majesty cannot but care for you further, in recommending all private persons to love, and to loving the commonwealth as the present law, and thus her Majesty recommends to you with all the earnestness she is capable of, as the which is absolutely necessary for securing its own safety, and its staying in your persons, your religion and liberties, or whatever else you love or can love that is valuable. For her Majesty can have no quarrel in this, but the interest of her people, which does so entirely agree to the safety of the nation, and the making it a free state, that I believe true protestants, and honest Catholics, will when in hearts stand together with us, and join to oppose it.—Thus Majesty having thus done her part, and as touching us good and gracious, and entirely disinterested, a reason that we, but not to be excus'd by being good men, against it, (which, if more late, may prove's soon to be too-late) to deliver this nation from a dangerous and bloody ship that hath led us into a worse since the name of the crown, and which of late have grown to too great a weight.—If I may but deliver a true and just opinion that we maintain for the people's interest in her letter, which I will manifestly, be sure there are some, first, who are not concerned of the necessary nature, and who will not heavily consider as a way of this, a way threatening the law government, the commonwealth at present, especially seeing her Majesty allows you to express your true apprehensions of former laws given to us of apprehensions of parliament, and to take such a course as may prove most like for the future.—This is no more I have to say, and that is necessary, if I be true to the plot, of which we great men have been made more ought to be aware.—Her Majesty hath allowed me to acquaint you, that in due time the whole matter shall be laid before you, and that she hath given the necessary orders for having back the persons that have been arrested in England, and the papers that relate to that affair, sent before. Her Majesty desires not but your own eyes see it at first, or any other practice of the like nature, still and in your laying down advice necessary for preventing, if there be the least consequences at this time to come, and so to say questions or contents that may answer such necessary necessity was, for Majesty hopes, that you will manage them with all the temper and moderation that the nature of the thing will allow.—My lords and gentlemen, I have spent long labour to say any and no solution, and therefore if I still can add, is a word, or to repeat, that I am very sensible of my confidence for so great a trust, but more such as her Majesty's pleasure, I will do my best, and if of all reason myself very happy, if

can any ways contribute to bring matters to any settlement in this matter. It is a great disappointment to me, I must own it, that I cannot, as a private opportunity, in a manner, enable me to go, at the same time, the greatest joy, that I can ever hope to give all my life to her Majesty, my love to my country, and the progress to parliamenting in particular in the case of a possible meeting."

The Lord Chancellor's Speech.] The Lord High Commissioner having done, January, 1648, at Southall, Lord High Chancellor, said, the word, and spoke to this effect:

"My Lords and Gentlewomen, You have heard her Majesty's most gracious letter, and what his grace our Lord-Bishop hath lately pleased to add, all which fully he hath given the weight and earnest meaning, for which her Majesty is so heartily pleased to call you together at this time : and you must all be convinced, that the chief design of her Majesty's government is to advance the happiness and welfare of her people, and to protect them in the full possession and enjoyment of their religion and civil liberties — Her Majesty daily wish a very hearty and affectionate concern, lay before you the danger of dissent and sedition, and recommends to you to employ your time in promoting what is for the security and advantage of the Kingdom, and you cannot but be sensible, that our desired most advantageous dominion abroad, so free designs to cherish the peace and tranquility at home, and therefore ye will, no doubt, make it your chief study, to converse all day with the most approved divines in your locality to her Majesty, and that all her good subjects will certainly support her government — Her majesty's high, with great satisfaction, recommended the stirring of the succession to the crown in the present case, as what would be the most foundation for the security of your religion and liberties, and will raise effectually to the advancement of the proposed interest every where, and the being of so great consequence, it is not to be doubted, but that you will seize this so fit opportunity for taking a more your consideration, while we have the advantage of being conversed in peace with her Majesty's presence, and can deliberately consider what is the most practicable course for us to take, to secure and preserve all that is valuable to us, and for your farther encouragement, you have heard how her Majesty hath given to him, your worthy Commissioner, so great such directions of encouragement, with regard to the success, as are reasonably to be desired, for security of the sovereignty and liberties of this Kingdom; so that nothing wanting on her Majesty's part, that is necessary for the establishment and security of this nation — You be so that her Majesty is now in a most just and necessary war, for the defence of the liberties of Europe, which makes it necessary that you should be gone for maintenance the Queen her Majesty the Scots and

place, and making my own good resolutions, the latter returned to his study, secretary obliging me to wait until morning, in a parson's or the queen's hall, where I was well known, of my good manners, he asked me how that man, French monk, whom he thought, that the queen had a great will to have as a confessor, contrasted to his expression, "I am called and directed by her on her soul's behalf." His lord, I am persuaded, she did not think a particular in clothing, and I am confident, she was on her politics, and the riches of our country, as in this, that her Majesty did command me, and I think, her other servants, especially to assure this house, that nothing of her moving could give name. Later, then, I may say, because, and they her in what she proposed in her letter, and nothing can disappoint her more, than to do otherwise — My lords, both old and young and good manners of life, as to begin with the Majesty's letter, and as to method, it is not and duty on this subject have drawn me to speak, more than I intended, or perhaps needed, I beg the house's pardon. But once my head is up, and that I neither can nor have to speak off, I shall only add my earnest and humble wish for these two things: 1st. That the orders of the house may be strictly observed; for by that much more will be saved, and many inconveniences prevented, and the up doing of this, will de-grace the great court. The 2nd is, That we may regulate our manner with freedom, and order, let our faces tell on the subject which we oppose, or the measure which we reject, and by no means on one another's persons. Would to God we were always so honest; but that seldom, if ever, was so an unwarlike a court or council. But when we differ, will we argue the better by our being angry? No, "angry is common." Will we convert others to well, by making them angry, as by a well calumnies is arguing? Does spite add force to reason, or does it produce that reason which we afterwards pretend to for our own sake, and for the honour of our reasons? No, let us argue and reply with calmness — have all, regardless to see good reasoning lost, or at least reflected in great measure, by the heats of arguing — and I will say it were a pity, for the members almost count themselves only, in the opinion of a man, speak better language than those of this do, yet they do not speak better sense. And besides these motives to calm reasoning, this earth in difference is all against it, so is, that neither our best nor our self-pleasing arguments, are, what will determine any debate. The love of order, the constancy, patience, and accuracy, give the facility of concluding to the whole of this house, and all we can say must be submitted to, when the whole house will approve, or to what the major part will agree to. And therefore, much reasoning, and all heats, will, on more accounts, be profitably forbore. I conclude with this counsel, which I think, without method, the court, and as the town of Brein is apparently the present politics, and I will say,

traditionally the reliable, reliable construct, reliability is the greatest and the most important one. However, reliability is not the same as validity, which may be considered as a separate construct.

beginning, regarding the American] July 13. Before 11 o'clock the scheme of a treaty being discussed, was a week the date of Hamilton's projected visit, that the parliament would be prepared to give a successor to the crown, and the proposed a government with Hamilton, in relative commerce and other aspects. The courtiers, not expecting the case, here would have begun so early to opposing the scheme, were not a little surprised and pleased at this result, and all they could do for the present was to procure a vote, that it should be on the table till the next meeting (two days later). The date of Hamilton having been raised the remaining of the conference till a meeting, it represented a warm debate, in which Hamilton's efforts, as a particular manner represented the hardships and motives which the king had suffered were the cause of the two crowns, under one sovereignty, and the responsibility after their condition, unless they could, in to prevent any design as it tended to continue the same. Upon this, the end of Hamilton's proposed ministerial visit, that the parliament would immediately proceed to vote such measures and conditions of government, as might be judged proper for meeting the constitution, and to preserve and secure the sovereignty and independency of the nation; and then the parliament would take into consideration the other matter offered by the date of Hamilton for a treaty, previous to the nomination of a successor to the crown. This occasioned a new debate, whereas the court party already urged the sending the monarch, before the lower proceeded to any other business; and, on the other hand, the other side made very strong objections on the proceedings of the parliament of England, with relation to the plot, which had great influence on many members wholly unacquainted with that affair. However, the court party, thinking they were strong enough to give the part of Hamilton's motion, the preference to the date of Hamilton's visit, a successor

"So, a servant, and a lady, and the speech of the earl of Cromwell's, which was passed, running into a chamber among them, by two, the revealed and secret will of God, showing, that no such disclosure could be applied to the queen. She had but one will, and that was revealed, yet it was still suspected, that at least her ministers had a secret will in the case. They went no farther in the case for a treaty with England, for they could not trust among themselves, who should be the Commissioners, and those who opposed the declaring the queen was, were concerned for no more, when that question was once off as to be it was postponed, as a matter about which they could not settle at all." Barrow

the question stated, Which of the two would come first under the consideration of the house? Upon which, great heats arose, and Sir James Falconer as *Prolocutor* spoke to this purpose, That he was very glad to see such an attention to the house, upon account of the nation's interest and poverty: that he thought the *Prolocutor* might do a considerable service, good and necessary, that it was not they should deal with one another, he therefore was of opinion that it be resolved, if at this parliament will not proceed to the consideration of a supplication, and does some petition contrary with England for supplying the necessities and other affairs with silver coin, and that this petition it will proceed to make such limitations and conditions of government, as may secure the religion, liberty, and independency of this nation, before they proceed to the consideration of a petition to the crown. This point resolve being put to the vote, it was carried by a majority of thirty-two yeas. Of these, about thirty were in immediate dependence on the court, and were determined according to directions given them. However, they went no farther in this vote for a treaty with England, for they could not agree among themselves who should be the commissioners, and those who opposed the declaring the petitioners, were concerned for no more, when that other was put aside. It was therefore postponed, as a matter about which they took no further care.

[*Two Speeches follow*] In the course of these debates the two following speeches were made in relation to the settlement of the succession.

“*My Lord Chancellor*: We have had a long recess; and months have given us a new light, and have let us into the knowledge of men and things. The Act on Security was what we acted upon very long last session. I was for it as much as any man, but my mind, as well as judgment, is altered, and I am now well assured I was in the wrong. Third King Henry could have passed it into a law, it would have done her ear to the business of Scotland, because it took the succession from during her Majesty's life time, which succession she may wish to retain till her decease, and so

“The majority aware of the deep danger of what was proposed, only the good of the kingdom, expressed their desire to keep their opinion low, and as it lay weight to throw it to balance upon another for a help to wrap with those of our neighbours, who may be so weakly and truthfully misled, as to walk and act for the pretended prince at St. Germain, I went the other way, against the rightful and lawful title of her Majesty, and the succession of her English crown, as well established by the laws of this kingdom. I hope, my lord, the wisdom of the house will take care to disprove at the face of such pretences and dangerous designs. There have been, and are still, Achanachs, but God hath turned their counsels into foolry. A mark will serve but for our turn amongst sects of common people,

“We ought to be very thankful to God and the queen, that things have been set before our eyes of late in a clear light, and our thoughts as much to live both than they for their contrivances were not brought within the verge of the law, and made an example and terror to others, that none might conceive an ill design against the good government, and the peace of her government. These men, whom we have seen, and all their words are carried by the back of the our sister Majesty's ear.

“*I beg pardon, my lord, to perceive that there are few in this house but are well acquainted with the history of Peter Warbeck, (the first Earl) on our King James's time. He was bred and reared up with a design to seduce Henry 8. by Margaret, Daughter of Burgundy and Flanders, as a fit tool to destroy her sovereign's temper, and through the Love here to be only the son of a poor man a Treasurer, she gave him the name and title of Duke of York, and trusted him with her deceased brother Edward, late King of England. She spent her time, and gave him shape, form and money, and sent him into Ireland, where a rebellion was raised, as well as in England, by him and his adherents. He failed in the expedition. The French King Charles 8. found him a convenient instrument to turn for him also, wherefore he entertained him in the prison of England, and by, with the Daughter of Flanders, spent her out a second time. But finding that failed, he let her come hither to our King James's. Discovery of this high treason had partly given our King and Council grounds to believe him a necessary prisoner. Upon this pretended prince's admission to the King our same ear, his Majesty wisely called for counsel, and asked their advice what to do on the subject. Backward returns you, “Careless of our government, preachers at “spoke important words only, and program “expressions constant.”*

“Here, my lords, the old wise men of experience, in council were of opinion, that it was not fit for her Majesty to receive or entertain this pretended prince, who they wisely believed to be a death, and who had given great trouble to this island, and was like to give much more.

“But when the question came to the young nobility of the island, the same matter was, delivered the majority, and carried it in favour of France. “As might pass, of old persons ‘careless of our government, the few ‘humanities commiseration.’ The young countess, makes for want of experience, or the want of consideration of mind, were more easily caught. They were more in number, and had a compass as for the young men upon. They were told by warlike the late King Edward, his pretended father, and the Family of York, though she never had seen any of them.

“Here the church went on, he had the satisfaction of a prince, he had a rule out of all our noble families, he had no enemy named in his living, and led into England by our young King, and drew much blood and treasure spent

on this pretended prince, the show was discovered, he was sent away out of our country, and some time after had the reward of villainy.

"My lord, this act of inconsiderate hospitality to one who was but a cheat, gave just ground to the world about to call our judgment into question; and as holy well read the history, I should infinitely more and profoundly than was extremely repeated to us, and that the opposite might have caused the utter ruin of our liberties and country.

"My lord, this same piece is printed now. Perhaps some have never read the history, and others have forgot it. No wonder it happened two hundred years ago; when so much must was like to succeed him, James F., one was to be found 'not it made, poor his not after,' one at last was said to be born at St. James's, June 1686. That child died soon after, a record was put in his place, and carved in and named up at last; and God thought fit to kill that second child also.

"Now, my lord, this pretended prince of Wales is a third child, in whose veins there is not a drop of royal blood. There is a new Prince come into the world 200 years after the first, who was sent to rule England and Ireland, only to satisfy the selfish ambition of a mercenary woman. This second pretended prince is raised up by Rome, France, and armies of implacable mercenary priests, who give him the title of king. For what? To the end that he may prove a snare to ourselves, and not account us, to root out and totally destroy, as well our holy religion, which they call heresy.

"Some of us, my lords, are so wise that our predecessors in this point: we give the priests and other agents of France and Rome leave to prevent our understanding; we make such impressions at times: young men's minds are tender and soft, and retain the first impression long. Some of us have been in France not many years ago, and have seen the pretended prince, and conversed his person and parts, his designs, &c. and say he is very like the royal Lady; though some of us never saw one of them, except our own queen.

"That young man are very apt to be led out of the way. I have known some by keeping bad company did catch the French disease, modesty and shame made them account it all at was too late, and then it cost them their life. It is the case at present with some of us here, who have got the French disease from, were clergymen in this nation then the disease, and will not own it till it is too late, and then it may cost them their lives, their estates, and the ruin of their posterity. Whatever young men may do, my lords, for want of better information, put it is strange that men of ripe age, professors in religion, in the good, and interests of our country, are used to be treated with the same confidence to have I never rule over us, as much men there is a mighty jealousy. I will not believe them guilty, and at the same time I cannot answer for them; but let their words signify what they mean, &c. 11.

"We all talk head of here for our and religion, but I presume to say, that our love of country, and self-interest, both appear more evidently than any thing else. What his practices leads not but his, may by his own care found out! The countrymen say that their design is the best way they please; but they hardly consider that it is against the principles and cruel oppression we in that nation are so lately delivered from, by who they will, and may be found guilty of crimes of a dangerous consequence, and of a tremendous nature, as it is the subversion of the government of this kingdom, and the subversion of the Protestant religion; and this not upon a bare information only, for Majesty knows their converse, and their actions speak aloud to all about them.

"Such practices are an enemy to all goodness and good men; it is from such proceedings that our country is corrupted, and all the functions of society is perverted, we cannot expect to have any clear showings; all have known what I mean.

"These assets are various in three respects, because in their quality, and universal in their extent. If we examine them, my lord, thanksgiving, as they stand in opposition to the truth of God, they will be found to be against the rules of faith, against the power of godliness, and against the nature of christianity; will you examine them carefully, as they stand in opposition to the light of nature, to right reason, and the principles of human nature, you will then perceive gods without any moderation; such parts as that which exists such, but Master without any provocation, is done against reason, against industry, against piety, is justice without any reason of assistance, even such injustice as does not the success of their just right and supported reputation.

"If those men, my lord, who set up for the pretended prince of Wales, be rewarded by legal rules in a civil way, as they stand in opposition to the public good, and to the laws of the land already in force; these men, I say, may be found to be traitors against our Majesty's crown, and notwithstanding the peace and safety of the kingdom, they may be found the highest, the bold, and the most negligent offenders; but more so, because of the nature and people, as well as of the country and our religion. If any one here is severely punished, let him consider whether or no he is guilty; if he is, let him not repent, but a worse thing he will have.

"My lord, I am sorry have many remember, if they please, the frequent troubles that were sent among us some twenty years ago. I am sure there are several of us, whose natural religion is contrary to the despotic and arbitrary will, and to the unrevoked consciousness of power, and its power less, it was then that the order to persecute, persecute, to hang, draw, and quarter, and to shed the best blood in the nation, without any, against any law, were by a parliament of royal without resolve.

My Lord, the independent work of the Commission on the Free Market, gives me the opportunity to express my sincere appreciation for the information which has been made available to me. The report of the Commission is a valuable contribution to the study of free trade in the world, and I am sure that it will be of great assistance to the whole Protestant community in Europe.

to conclude, is evident from the
 the Kaiser and his associates have
 in the Reichstag, and other
 Kingdom, the grand old warriors
 our nation, Sir, and give his
 the Kaiser. He continues to tell you, that
 here, and their friends beyond
 and a more superior man of
 a leading the way now, they follow
 and says to us in the world, that
 from the millions of our people
 Dr. Hermann Goetz

[illegible]

"My Lord Chancellor, that language is clear both and very much in favour of his and privileges: that I am glad in this matter and other points I have I have seen, and in instructing both here at some points to some more great ones, above words and things I should have rather to speak, and please the Court we may stand here in most courteous manner company me, say, and with others as I like to do. Yet I am a little the more anxious in respect for neither the witnesses."

It is certain, no less, whether or not prices are union or a concentration of trade, or there, is diametrically against the writing, negotiation, and, if we do not perform accurately, point the source, what a nation and some of national governments.

more of the same religion with ourselves all the world over, put upon our management?—We met this majority of men assembled by judicious selection, of the education he has received himself. On this point depends the security of all that is dear to us, both spiritual and temporal, as laws and morals, and whatsoever agrees to, without all manner of doubt, as we meet at bottom to our eyes, so our religion and government, set to the people of the kingdom, and their posterity. The present lord, who I presume, is well thank'd by a due benediction, who say I glorify in the victorious courage of Francis and Louisbourg, two glorious battles; she is the wife of a lieutenant of our own royal family, whose place is a nation at our own country; her religion, therefore say, Her highness's blood is fragrant, is sanctification and heart, and we are all informed, are entirely French, and, we think, we can go no where else for a service, but to her and the love of her body. What, therefore, is called on the best condition put her to trial, and as her Majesty's presence, that is, this assembly will have some more variety, even to make mention of her Majesty's death, as then did last year, which was of course, something better, as reading, the Bible, as I said, she is married; say we are well put with all such matters, and our own affairs, we must make more mention of her death, may the mother of all of us—she is the support and glory of us, of our religion, and of the great and possible government on all ways, and is her choice that she, who is not and cannot all her good subjects—Therefore, my lord, let it never be said, that we all this parliament, either by neglect or by wrong principle, or by mistake to our judgments, grasping at what can never be obtained, whether the amendment or an other way of willing to be brought in force, as shown through all the distant parts of her most excellent house, well as abroad. From hence we have it, a fullness of virtues, and a happy progress in the most and valuable principles, as I have a successful battle taken against the arms and force of her enemy, who is not of such that he is supported the hope of a successful close and understanding, as I shall mention in time.

[illegible]

— *James.* "Ere the Lorryan! From
— designs and self-interest, pishance,
— are all our enemy, and all the rest
— rest upon the wit or consciousness
— the love of country bind these men's under-
— standings. Let us not follow their maxims,
— but we prove treacherous to our sovereign,
— and useless to the public. I know very well,
— my lord, some here who are ready for the ac-
— cision, but are not farthest off with their own
— fins for several hundred thousand, but a good
— one is, they would not have his grace, nor lord
— Colonsay, leave the house at present; it
— would be one on the throne—*all members.* "For
— my part, I have no concern whatever in a
— good thing, provided I have it done at it,
— and I hope, if any man is capable of a dis-
— honest, he will report and murder it to his
— advantage: from which, and from the other
— here said, I am, my lord, for voting of the
— execution now, but in the house present, to
— my other business."

The members were extremely elated by this
victory; and the duke of York, Lord Grey,
and one of their leaders, moved, "That
his majesty having been pleased to signify by
his commissioners, that the examination of the
plot should be laid before the parliament, his
grace would be pleased to write to his ma-
jesty, to send down the persons, who were
suspected, and all the papers relating to that
plot, as soon as possible, that the affair might
be thoroughly managed; and those, who were
sincerely accused, might be vindicated, and the
guilty punished." Whereupon the lord chan-
cellor declared, by order of the lord commis-
sioners, that his grace had written, and would
write upon the matter, for all the evidences
relating to the plot.

July 15. The duke of Hamilton moved,
"That the parliament would proceed to make
such laws, and conditions of government,
for the rectifying of the constitution, as might
secure the religion, liberty, and independence
of the nation; and that they would cause
commissioners to treat with England, for re-
viving the covenant, and other concerns with
that nation, previous to all other business, ex-
ception not for two months ere, first of all to
be signed for the present subsistence of his
majesty's forces." Upon this, the earl of
Marischal made a long speech, asserting,
"That, upon the house had voted not to
sit immediately upon voting the execution,
it was reasonable, that we should be made
to exclude all papist members." To which
the duke of Hamilton answered, "That he
should be one of the first who should dare his
word against a papist member, though he
did not think this a proper time, either to vote
the execution, or to consider of the earl of
Marischal's proposal."

July 21. After some debate, the considera-
tion of the duke of Hamilton's motion was
adjourned for two days, when it was moved,
That the six persons—*18* the high-priest

— clerk, and declared by him to be the fourteen
months supply, payable in two years, might
thence be considered. After a debate, it was
put to the vote, whether to give a new for old,
or for fourteen months? and, it was carried by
10 voices, that it should be for two months only.

*Proceedings on the Supply, and the Act of
Security.* July 22. The act of supply was
taken again into consideration; for there was
wanted to it a great part of the bill for the
renewal of the union, which (as hath been re-
lated) passed the 4. next session of parliament,
but was opposed by the throne. After some
time, the following resolution was offered by
the lords here, "That the parliament will pro-
vide the great two months supply for voting
for any six years, and, as soon as the new
union is carried, however long, to the royal power,
with in four months ere." And then a second
motion was presented by the earl of Marischal,
"That there be a first reading marked on the
act of security, and that both the act, and
that for the supply, be, without being further
proposed on, sent to his majesty's commis-
sioners, who were sent to us as in the act of se-
curity, at having them first to the parliament to
proceed as the same goodly or separately, as
they should think fit." After a motion on
both these resolves, the question was stated,
whether to approve the lord Hailes or the earl
of Marischal's? It was carried for the lord
Hailes, and the act of security being read, a
first reading was ordered to be marked thereon.
These things were carried with great heat
and vehemence; for (as was before observed)
a national honour in being independent on
England, presented so strongly among all
sorts of people without doors, that those who
went out into every hot motion that was made,
were considered as the champions of their
country; and they were so exposed to a popu-
lar fury, that some of those who started to
stop the torrent, were thought to be in danger
of their lives. The presbyterians were so
overcome with these proceedings, that though
they voted well in the voting the execution,
they did not speak of doing so. The duke
of Hamilton and Ardel led all these violent
motions, and the whole nation was strongly
inflamed.

The members were in great passion how
to act, with regard to the supply bill, and the
risk that was to be run. If it was denied,
the army could be no longer kept up; they
had not so far as arms, that, considering the
poverty of the country, it could not be car-
ried on much longer. Some suggested, that it
should be proposed to the English country to
advance the subsistence money, till better ac-
counts could be taken, but most of the Scotch
members would agree to that. An army is
reckoned as being in those who pay it, and
therefore an army paid from England, would
be called an English army. Nor was it possi-
ble to manage such a thing secretly. It was
well known there was no money in the Scot-
tish treasury to pay them; and that, if military men

and thought that the treasury, how severely pressed, could not possibly, that it could not possibly, and great numbers were then so far from coming to a resolution, that, if a resolution were taken, they could probably have been obtained without trouble. I was the first person who was aligned with the Chamberlain, and I thought that neither officers nor soldiers would have taken their pay, were it but from the south of England. The advice was therefore reduced to this dilemma, that either the money must be demanded, or the bill must pass. To a man, the army was a thing and a man are above these dissensions, but it was so contrary, that it was double or treble offered: so that it could have been easily increased to a much greater number of votes, had been necessary for it. The officers had not all fled, and were men of a good character: were therefore there were always of an opinion, which both sides looked for, and the result, in which the court had from France, assumed from it was intended: the ministers thought the means necessary arising from the war, might be extended afterwards; but that the freedom of the army was such a precious thing, and might end so finally, that it was not to be tampered with. Therefore, by common consent, a letter was sent to the queen, which was signed by all the ministers in Scotland, in which they had the whole matter before her, and every thing stated and explained: concluding with these humble advice to pass the bill. This was very heavy on the Lord Godolphin, an advice against the queen directly aimed. He saw, that the ill consequences of breaking the army, and having that laid on open to an invasion, would fall on him; it he saw it, in contrary to the advice given by the majority of Scotland, have advised the queen to reject the bill. This was under several votes in the end of it, he, when other lords were in a great uncertainty, he thought he could not do better, than was a good step: yet the great distress was not then over. He thought, therefore, considering the state of affairs, of the necessity which might be upon it, that it was the worst thing for the queen to comply with the advice of those to whom she trusted the affairs of that kingdom.

The Lord High Commissioner's Speech on passing the act of Security—and to question the supply.] August 5. The queen sent orders to pass the bill, which being done, the Commissioner made the following speech on the occasion.

"My Lords and Gentlemen; At your sitting down, her majesty, in her gracious leave, recommended to you two things, which she thought most necessary for your own quiet and security, as well as for that of her government. The settling of the succession in the person of the king, and the providing for the subsistence of the Exchequer, the funds laid given for that end being thereby enlarged. The first of these, you have now thought fit for your interest to do as this time. I heartily wish you may meet with an opportunity for restoring her royal advantage

at another. The other all of you seemed ready and willing to go into, as relating to several necessities and concerns made themselves felt, which, she of strong inclinations for security, as absolutely necessary. I told you then, as I had done at first, that I had been fully informed and persuaded, not only upon that, but every other thing for your good; I thought, and was assured of your assistance, and gave me the liberty to make use of those powers given me to that, till I had ascertained her majesty, and knew her mind, which I was doing, and was not without interest to proceed, inevitable, which was the true reason of your long adjournment, and what was necessary to come, it he ought to have known me better, the character I have in the world being, a I hope, above serious reflection.

"And now, my Lords and gentlemen, I will tell you, that, from her majesty's most private and genuine disposition towards you, as both been and ever by me, and some other of her servants, in personal visit her, than perhaps was by others expected, so that you had an act of security sufficient for the whole period. And it is to be hoped, as the point here, you will prefer that of supply, which you yourselves were convinced to be absolutely necessary at this time, and without which neither the troops can be kept on foot, nor any hopes remained for punishing enemies and securing our trade, both which were lying before you, I hope you will go presently about, that, when finished, they may have the royal warrant, which I am it is to give. And therefore you may have time to proceed in other business relating to war, or your other concerns, whereas I should be willing to comply with your desire, as that he within the bounds of my commission."

"Thus the act of security was passed with the breath of lifeless was over, but so real days before the news of it reached England. When the act passed, copies of it were sent to England, where it was soon printed by those who were sworn in the Lord Godolphin's building the white staff, and resolved to make use of the against him: for the whole blame of passing it was cast upon him. It was not possible to print, that he had advised the queen to it, and therefore some took it to another hand, and resolved to urge in saying him, that he had not persuaded the queen to reject it, though that seemed a great stretch, for, he being a stranger in Scotland, it might have been hardly to advise rejection, if he had presumed to advise the queen to refuse a bill passed in the parliament of that kingdom, which all the ministry there advised her to pass. Several circumstances were pressed upon this act. It was said, that it was her majesty's own death by her, and that she in her were passing themselves in a power, and that her, and all were by whom advice this was done. One thing, which contributed to keep up so ill he was in the parliament of Scotland, was never fully expected to

the Lord High Commissioner's Speech at the Assembly | Aug 47. The parliament having granted a six months cess for the pay of the army, they were entering upon debates about the plot and the proceedings of the English and of lords in that affair, as an order recommending with their concerns, and as an acknowledgment upon the sovereignty and independence of other nations, when the High Commissioner came in the House, and made the following Speech:

" My lords and gentlemen; You have now a long and, I think, you cannot complain you have been out about by despatches and messages or short addresses. In this time you might have been done, however, some good has been passed, and one in particular, which gives sufficient evidence of the disposition his Majesty was in to have granted you some more was necessary. I declare I you told that you had a stomach bigger than I, and though I did not say any the time you have had me, has been very usefully employed, yet, if there had been more despatch made, some of these good laws which are now before you might have passed; but now I must tell you, and I am too obliged to give you any more time, for I must thinking a short notice necessary a protest, so it will not be long till you may have another opportunity of doing what will remain it to be to us, for no change without his Majesty's both met with consider, in the long life to terrible disposition towards this her ancient kingdom."

him. The queen had promised to send down to them all the communications relating to the plot. If there had been sent down, probably at the first hear the matter might have been carried by against the duke of Queensberry. But he, who stayed all the while in London, got it to be represented to the queen, that the sending down these communications, with the persons concerned in them, would run the nation into much heat, and into such a length, that it would divert them quite from considering the measures, and it might produce a violent riot. Upon these suggestions, the queen allowed her resolution of sending them down; and though repeated applications were made to her, both by the parliament and her ministers, to have them sent, yet no answer was made to them, nor was so much as an answer made for not sending them. The duke of Queensberry, having gained this point, got all his friends to join with the party, that opposed the new measure. They both distressed all their projects, and softened the spirits of those who were to act against him, that in their first fury no way could have been put to their proceedings. But now the party then had it agreed to send him, was so much wrought on by the assurance that his friends gave them in this respect, that they resolved to preserve him." Tisdal.

" Before they separated, they drew up an Address to the queen, desiring, that the Pretender and Papists relating to the plot might be

A Th. 1745.

The Scotch parliament met upon on the fifth of June, 1745, when his grace John duke of Argyll, the Majesty's High Commissioner, went to the parliament house, where his grace's commission was read, and recorded, after which a commission to James earl of Seaforth to be Chancellor, commissions to William marquis of Annandale, and Black earl in London, to be Secretaries of State, David earl of Glasgow, to be Lord Treasurer, James, earl of Mar, of Edinburgh, to be Clerk Register, and Adam

Lord Justice Clerk signed the next session. This was the state of that session, which was approved very tolerably all over England. It was certainly, though, as was afterwards known, very much reported, that great quantities of men were brought over, and dispersed through the whole kingdom. And, it being well known how poor the nation was at that time, it was said that many were paid for by other hands, in suspicion of what it was believed continued Blacken said the year 1745. Another thing was given out very audaciously by the Lord Godolphin's enemies, that he had given directions understood to hinder the declaring the succession, and that the secret of the war was trusted to Mr. Falkland, who, they said, killed openly one way, and acted secretly another, though there never appeared any colour of such in those reports. Great care was to be made of the affairs of Scotland, because there was no ground of complaint of any thing in the administration at home. All the duke of Marlborough's enemies saw, that his chief strength lay in the circle which the Lord Godolphin was in at home, while he was so successful abroad: so that it being impossible to attack him in such a course of glory, they had their eyes against the Lord Treasurer. The forces resolved to attack him, and that disposed the Whigs to preserve him, and thus it was managed by them, that it gave a great hint to all the world at home.—Immediately after the adjournment of the parliament, the ministers repaired to London, where the marquis of Tweeddale was made Chancellor of Scotland; the earls of Seaforth and Hamilton, secretaries of state, the earl of Rothes, lord-privy seal, the earl of Cromarty, justice-general, Mr. Baile of Ferns wood, the under-deputy; and the earl of Bellah, lord Bellenden, and Mr John Home, lords of the treasury. Sir William Hamilton was also made justice-clerk, but he lived not to enjoy that office many months, and was succeeded by Adam Cockburn of Orkney. A new commission was, at the same time, sent down to Edinburgh, by which most of the noblemen, and all the duke of Queensberry's friends, were laid under, and it was made up entirely of Scots noblemen. And thus the administration of affairs in Scotland was lodged in the hands of a body of men, who concurred with the measures at that time pursued by the court of England." Tisdal.

House of Commons, on the 10th of March, 1799, when the Lord Commissioners of the Treasury presented the following Speech:

The Queen, having been graciously pleased to adjourn to the 10th of March, which they most agree, and her Majesty's Command was read as follows:—The Lord Commissioners and the Lord Chancellor made the following Speeches:

" My Lords and Gentlemen, It hath been our great care and constant aim since the last session to strengthen the present disposition, and promote the true interest and advantage of this our native Kingdom; and above all, to have your present establishment as secured, that both you, and after ages may reap the benefits thereof.—You are now again met in parliament, and no doubt, with a full view of all your present circumstances, which we heartily wish may be attended with such success on your part, as may best accomplish what we so really desire.—In your last meeting we recommended to you with the greatest earnestness, the settling of the succession of that our ancient Kingdom in the Protestant line, and several things having since happened, which show the great inconvenience of this matter's continuing in suspense, we cannot but at present most earnestly renew the recommendation of this settlement, as being convinced of the pressing necessity thereof, both for the preservation of the Protestant religion, and the peace and safety of all our dominions, and for defeating the designs and attempts of all our enemies. And to prevent any objection to the said settlement, that can be suggested from the views or fears of future recommissions that may happen in this our Kingdom from thence, we shall be ready to give the royal assent to such proceedings and resolutions, as shall be found necessary and reasonable in such a case; and therefore we must still leave it upon you as most necessary for all the ends already mentioned, that you go to the settlement of the succession before all other business.—We are fully satisfied, and doubt not but you are, that great benefits will arise to all our subjects by an Union of Scotland and England, and that nothing will contribute more to the composing of differences, and extinguish the heats that are unhappily raised and fomented by the enemies of both nations, than the promoting of every thing that tends to the procuring the same. Therefore we earnestly recommended to you to pass an act for a commission to set a treaty on foot between the Kingdoms, as our parliament at England has done, for effecting it; what is so desirable, and for such other matters and things as may be judged proper for our honour, and the good and advantage of both Kingdoms for ever; in which we shall most heartily give our best assistance.—The supplies granted by the parliament for maintaining the forces, with the forts, garrisons and magazines, are now at an end, and the same being still necessary to be maintained; so likewise that the progress of arms and navigation be duly supplied for the peace and safety of the Kingdom, especially

now in time of war, we doubt not but you will provide the supplies needed, in such manner as may be easy and effectual.—We have your desire of desire to be our recommendation, represent our picture in this session of parliament, as one, of whose capacity and loyalty our service, and the Kingdom's good are so convinced, we are not easily moved, and are fully persuaded he will be in you so acceptable.—We have fully expressed your confidence in your resolution to maintain the government both in church and state, as by law established, and likewise to consent to such further laws as shall be thought needful for that end.—We have also expressed him to give the royal assent to such good laws, as shall be enacted for the preservation of piety, and discouragement of immorality, for the better encouraging and improving of trade and manufactures, the better securing of private rights and conveniences, and for promoting the more easy and speedy administration of justice; and generally for what may be found for the good and advantage of the Kingdom. In all such, and whatever else may contribute for the happiness and satisfaction of our people, you shall have our ready and cheerful concurrence; and as we bid you heartily farewell.—Given at our court at Windsor Castle, the 28th of June, 1799, and at our camp the 4th July."

The Lord High Commissioner's Speech.] His grace, the Lord Commissioner, made afterwards the following Speech:

" My Lords and Gentlemen, Her Majesty has in her most gracious letter expressed much tenderness and affection towards this nation, in assuring you, that she will maintain the government, as established by law, both in church and state; and representing you that she has been pleased to give us such power, to pass such acts as may be for the good of the nation, that were it not partly to comply with custom, I might be silent. Her Majesty has called her consideration the present circumstances of this Kingdom; and out of her extensive concern for its welfare, has been graciously pleased to recommend to you two expedients, to prevent the ruin, which does but too plainly threaten us.—On the first place, your settling the succession in the Protestant line, as which is absolutely and immediately necessary to secure our peace, to cool those heats which have, with great industry and too much success, been kindled among us, and effectually to disappoint the designs of all our enemies.—In the second, a treaty with England, which you yourselves have shown us great an inclination for, that it is not to be supposed at this point with any opposition.—The small part of the funds which were appropriated, in your last meeting, for the same, are now at an end, and I believe every body is sensible of how great a sum our debts have been in our hands; and as it is to augment you, our debts are running, and our resources empty. Therefore I do not doubt but your wisdom will direct you to provide suitable supplies.—My Lords and Gentlemen, I am most

in spite of the difficulties that attend this post, and the loss I was at by my want of experience in affairs, but I shall endeavor to make it up by my zeal and diligence in serving his majesty, and the great regard I shall have to what ever may be for the good of my country."

The First Lieutenant's Remarks. The first Lt. Lieutenant speaks to the members in the following words:

"My Lord and Godfather: our Viceroy, under his gracious letter, and my lord ambassador's language, to his speech, do present these thanks to your consideration, as likewise of the greatest importance for the recovery of our religion and liberties, and let Viceroy do nothing to the ill that may help us, to promote the happiness and prosperity of all his subjects.—For these ends let Almighty God, with great consideration, continue us continued to you the will and care of a nation as to the crown of the Kingdom of Castile, and the same matters I have owing all that is valuable to you, with regard to the recovery of our sacred religion, as the universal, by recovery of our sacred establishment will continue their bad design, and he will be able to find opportunity to distribute the same grace, and let our lord enter upon the distribution of the same, with great satisfaction that you as let Almighty God know."

of them you have a conversation from the side of common sense, and that she is ready to drop applications and questions of government, and is glad to be conversing, as can be seen in this poem, and, and a slight but well observed manner in saying that she cannot do otherwise than adapt herself to the situation—Miss Murray looks due to her royal master, with great courtesy, signs her designs to present all difference to that very high power, the king, demand that of England, and proposing the only expedient in this matter, the setting a list of twenty of the most useful and necessary laws, and enjoining as a law, her late Majesty's power, and the good old common law, both together. It is a capital thing, the poet says both names, that they be made clear and real, and that there be an entire agreement, in the advantage and practice of it, that the king had the same power, such might be the law, and become the law, the royal law, the law, and you are engaged to be a subject, and

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the closest and greatest evidence of the "new" politics for some time to come.

tion of her people. I am therefore hopeful you will improve this most desirable opportunity for promoting of piety, for encouraging our trade, for promoting of your peace, and for doing all that may be for the mutual satisfaction of her Majesty and her subjects."

the following paragraph, in the *minutes of the Council, Cape Town, &c.*] Vol. 2. The marriage of Annandale presented a proposal, "That the question of awarding upon the consideration of such limitations and conditions of remuneration, as should be judged proper for the mutual advantage in the future as here, and also, as the same may be considered for appointment here, that the members of the Council should consider, and the state of the commerce as trade, and export, and import, and to prepare and bring in the most proper measures and conditions for that end." Thereupon the said Council proceeded to a vote, "That the house, previous to all other affairs, should make such regulations of the trade and Commerce of this Kingdom, as might be most for the advantage of the same." Another resolution was also presented by a report of May, "That the house should, particularly at other seasons, take care that there be no such manner circumstances, as to England, and have to entertain a treaty with them." The first being seconded by Mr. Andrew Capite, and it is understood is all further done, but the second fell into a voting of such as upon the two first motions, and so forth, came to the question, Whether to proceed now to the consideration of Commerce by the, or to start of Trade matters, and the house was divided. Then a second question was put, Whether the Commerce and Trade should be taken into consideration by way of debate, which was decided in favour of debate, and the third fell into the question, as by what proposal, which a committee of members of the Council should have to be a committee to it. It was then proposed, that the committee be a standing committee to participate the same intended matters, and trifling in the beginning of the session as matters of a committee, but it being found that such a committee would not be of service, and that the committee would have fallen under a committee, and the whole of Queen's Bench's committee and house, and even out from above, they might have done so by, and would have paid it in this place, and of chosen such members as they thought fit to be concerned in.

[illegible]

to fly from the continent, into Scotland. The other was proposed by John Law, the son of a goldsmith in Edinburgh, a man of noble parts, who, having squandered away his small fortune, was forced to live by guineas, but who, being an agreeable converser, found the way to ingratiate himself with the Duke of Argyll, and the leaders of the Whig opposition. Upon the outbreak of their opposition, he presented a very plausible scheme, which was readily accepted by all the courtiers, and many of the Whig opposition, because it was so insured, that, in seven or eight, it would have brought all the revenues of the kingdom to depend upon the government. But the house rejected the proposal, and came to a Resolution, "That the establishment of any kind of Paper Money, as it is called, be left out for current coin, was an improper expedient." A Council was likewise appointed, with power to put the just-rejecting scheme into execution; and it was required to them to bring the report and support of the scheme to a Committee, and lay the same before the house next session.

Proceedings respecting the Succession. Before this act was brought to perfection, the various noble and possible efforts to prevent the settling of the Succession, for which purpose the Duke of Hanover, on the 17th of July, presented the following resolve, "That this parliament will not proceed to the acceptance of a Succession, till they have had a previous treaty with England in relation to commerce, and other concerns with that nation." And farther "That this parliament will proceed to make such Limitations and conditions of government for the succession of the crown, as may secure the liberty, religion, and independence of the English, before they proceed to the nomination of a successor." The crown, and most of the Whig opposition, were against the resolve; but the ministers insisted vigorously upon it, and, by the assistance of some of the Duke of Cumberland's friends, carried it by a great majority.

Lord Bute's Speech. Upon this occasion Lord Bute made the following Speech.

"My Lord Chancellor, By what experience I have had in this world, I always find, that when divisions are once come to that consequence, as to form themselves in parties upon different interests and opposite designs, that these interests and reasons make but a very small impression upon either of the parties. Therefore I shall not enter into the merits of this resolve, nor of its expediency or utility, as it is at this time, that I may not give the house cause to debate, or occasion of misunderstanding amongst themselves. What I shall say on this head, is to advance this position, viz. That there is more danger to our nation, and national concerns by divisions and factions, than by any violation of it and all quiet measures, if they be unanimously put upon.—A wrong measure, especially, as such a measure, may be corrected and reformed, when we come to a

fuller view of the affair. And, though it were they prove unsuccessful, yet it would produce a shock with themselves, but still, and without increase and multiplicity, and from very small beginnings, so it is to find permanent alteration, and therefore especially, it is of more value, who, in they are usually more grateful, generous, and for their words and persons, in spite of disappointment they are more prone to resistance against change, the most vigorous of all persons, and the most likely to do very good of course.—What I should say, my lord, at this time, is unity. Would you have unanimity? Go upon them unanimously. Would you have unity? Do the like. Would you exclude measures upon questions without a treaty? Would you settle the succession on that without limitations? Would you have unity done at this time? In short, whatever you would have done, let it be done now, and it will not want its own weight, for I am persuaded, that, whatever resistance this honorable house shall come to, a wrong measure is preferable to a good one, if there be any unity in the one, and faction at the bottom of the other.—My lord, I could bring instances from the histories of Europe, to confirm what I have said, and from more than that of our neighbours, the states of Holland, where unity has raised them to the greatest and richest they are possessed of in this day. They resisted not many measures and unsuccessful attempts, but their unanimous firmness in the vindication of their liberty had made good the vent of their arms." "Charitas non parit creant."—But, saying what I thought, I shall confine myself to no more business, and by four examples I shall make it evidently appear, that our predecessors, when in good understanding amongst themselves, were always in a condition to defend their rights and liberties against the English, and that they never did prevail over us, save when we were divided and broke by factions.—The first instance is of that famous controversy about the right of succession of Alexander the third. The story is so well known, that I shall not give this honorable house the trouble of following it repeated, but shall only say, was decided upon it. What followed upon that? The king of England put us a King. What was the consequence of that? Both of us paid very dear for it. For, as the historians of both nations tell us, there followed upon it the longest and most bloody war that ever was between two nations. Then, and before, could it be said, that England had any pretence of homage from us.—Proy, my lord, had it not been better that our predecessors had of themselves chosen the name of competitors, you the want men of the nation by a general council, rather than to have raised these calamities which followed on that dispute?—The other was, my lord, that we did not settle English lordships in the Lowlands, who have as well how to divide, as I."

1541. We had called house-king Charles the second, as we were to his father. I remember when Scotland took an army, and gave what was the reason of it? Was his army comparable to such a number? He was very well king Charles the first, his mother, his sons, upon us with a far better army, and as he proposed, and then again, and so on, and yet, though sword in hand, he was never united to give us a valuable army, or the like. We know very well, that we had the names of that gallant army, which had preserved us in good condition, at the battle of Ruyter, and also extremely had given the parliamentary power about that on their return. We know, that we had the better ways that had preserved the north of England from the Irish rebels. Whence then come all these lamentations? It seems, my lords, now certainly, we were united in about better times, and besides them, in short we had the Hamiltons, Grahams, and Campbells, each driving an opposite design. Nay, my lord, Bacon has come to that height of exasperation, that when we come to fight Cromwell at Dunbar, we would not fight but at Godscow on the Midwater, although we had as much warrant for it. I pray God, my lord, things come not to such an height now, especially when we, as they, moral men, who will do well and such things, that what things are done to be done, so that every commander has more like the board keep them, before he undertake the queen's business. I speak not this, my lord, out of any resentment I have, by being lately turned out of a post, I protest I have not the least resentment upon it. Why should not the queen employ what services she thinks fit? But I speak of it, because I am afraid it proves a seed to faction, or having proved so painful already, as to have one crisis in our year, though in the northern climate.—The two nations, whose our army preserved us from the first consequences of war with England, are those of King David and King James the first, after we had recovered under the conduct of the noble Bruce, who had saved the grand-child, by a most valiant association, to yield up the claim of homage, eagerly imposed by the father upon us. Two unhappy accidents put these two kings in the hands of the English. Did they let go the opportunity to trump up these claims of homage? No, my lord. What hindered them to proceed further? King David had lost a considerable battle, was there made prisoner himself, many of the nobles killed and taken, England successful against France at the same time, and their king prisoner in England. King James I. was their prisoner, being forced to fly from the broken troops of his uncle Robert, and as we might make parties by them. Their occurrence, my lord, did appear terrible enough for England to make use of, but a very necessary part in stop to their designs. We declared we would not stop any farther as long as they were

under English power and influence, and on both our sides in France and upon in Scotland, refused their aid, as long as they were in England, looking upon them not as their king's subjects, but the enemies of an enemy. And then we were provoked, and our kings believed in us upon reason.—My lord, a brave claim, that England set us to give any opportunity, neither before nor since the Union of the two crowns, to bring us under their power, and I am persuaded, that the hosts and numbers among us these several notions of parliament have, amongst other things, removed that threatening and formidable state of parliament, whereas daily destruction on our side, and destruction on ours, as it is the law given birth to these, complete and appropriate pamphlets published of late against the sovereignty and property of our nation. Will you permit this consequence of what is despised against us? It is, as it were, as there is your savings spent there. Our King and our father about it? No, my lord, the two houses, though in such confusion themselves, did not with one consent, as we should have the lower to give us the support and assistance.—I cannot figure to me much the first that appears to be a necessary part, as in England? Would not his majesty, as a true and good parliament, with your own, and I hope, the rest of the world, be so much, but what our protestants have to say, as they put find the king.—It was, I said, my lord, how shall we be unanimous, and who shall yield? I think Providence has made that very easy and ready to the people. For supposing us for instance, that we set for our stay, and where for a treaty, that we set for limitations, and that that those who are against it were, as you say, because they do not expect any middle and good conditions from England, and that those who are against limitations are against them because they would prove of no long continuance, and consequently look upon them as an advantage to bring us to the English succession. There is no reason, my lord, in all this, why both parties should not agree in the middle. For suppose, all those suppositions should prove true, shall we then be in any more condition than we are at present? Shall it be said, we will not do much as much as to treat with England, or that limitations, which are in our power both to make and to keep, shall be looked upon by us as things impotent, and of no service? No, my lord, we have a greater gain than will come to us both, and who, in his gracious Letter, seems to draw both—I do consider England, with relation to the succession of Britain, as so many fishes enclosed in a large strong net. They have come to swim, swim, and tumble, but, as long as the fishermen keeps his hold, they cannot break through. I believe by this time they are sensible, that the succession to the two kingdoms in Britain might not so have been disposed, much less soiled, without impairing any part of England with

the same, and that independent upon the same. One he asked, and kept saying, "I have a considerable demand, which I must not omit to make, or my duty will be wanting; and I shall merely ask as the necessity of my service requires; I hope, by the blessing of God, with just endeavours, and the good offices of your excellent society, that all shall be done, and all shall be granted, and a good result be obtained from the two causes promoted."

"I am, Sir, this only, but for ever which, if they—might at this time, I have promised to privately, that the time will come, when they will give with less ceremony—I then, my lord, I have frankly told you my mind, and this with all deference and submission to his lordship's house; and though I do not pretend to the thanks of the parliament, to the lord Haversham last of the house of lords, yet I will not yield to his lordship, as to my integrity and sincere desire for the betterment of Britain. And in one thing, I think, I have the advantage, that what I have said tends to the advantage of all Britain, first, among ourselves, and then between ourselves and a nation and us. Therefore his lordship's Speech, as I have not so much credit as to his lordship was at the time he spoke it, tends directly the quite contrary way. Therefore I am for the resolve, and for the beginning, with the institution."

The above Speech had such an effect, that, after some debate, the Duke of Manchester's Resolution was agreed to.

On the 24th of July, the parliament met again, and read the draught of a Letter presented by the marquis of Eversdale, in answer to her Majesty's Letter to the parliament: as also a draught of an Act for a Treaty with England, presented by the earl of Mar; another draught of an Act for a Treaty with England, presented by the marquis of Lichfield; a draught of an Act concerning the way of choosing officers of state, privy-councillors, and members of the exchequer and treasury, in case of her Majesty's decease, without harm of her body, to succeed, presented by the earl of Bathurst; and some other draughts of acts relating to trade, all which were ordered to be printed.

July 31. The duke of Gloucester arrived at Falmouth, where he made a public entry with greater splendor and magnificence, and was received with greater demonstrations of joy, than the three times he had been crowned. The next day he went to parliament, where the draught of a Letter, in answer to the queen's, was read, returning "The parliament's thanks to establish the most amicable treaty with England, begging her Majesty would grant three such institutions as her excellency, as more necessary for that purpose; and answering her, that, if she was once done, they would abundantly set about the work." But a more being read, it is, preferably to that letter, the house should take into consideration notwithstanding to it, the same was agreed to.

Proceedings upon the Institution of the same. The house being now, the resolution declared to proceed upon the Letter, the following thereby, in the first place, to oblige the establishment of the Succession, in case the proposed Treaty should fail; for they, that the queen would not grant them, the royal assent, and that the succession would then ensue. In the next place, to support the personal policies on the monarchy, in case the house of Hanover should come to the crown. And lastly, to separate themselves with the people, who thought themselves oppressed by England, and were extremely fond of independence, that aimed to free them from it. Motion being made on the 31st of July, great, the first reading to an act of consequence for a Treaty with England, the Duke of Manchester, in opposition thereto, moved, That his house would proceed to the choosing the Succession; and a vote being stated in these terms, "Resolved to consider the act for a treaty, or institution;" the latter was carried. In the next Parliament, on the 16th of August, several acts for that purpose were presented; the most considerable of which was, an act for regulating the choosing the officers of state, election. "That from and after her Majesty's decease, without harm of her body, all officers of state, and privy-councillors, and lords of sessions, should be chosen and appointed by the parliament; and in case of the decease of any of them, during the vacancy of parliament, the office to be supplied by one nominated by the council, who should continue in the same till next session of parliament: and that all the officers of state, and privy-councillors should be accountable to the parliament."

The next offered on the 16th of August, a clause, giving the power of choosing officers of state (which by this act was solely lodged in parliament) to the king, with consent of parliament, which was carried in the negative; as was also a motion, that there should be short parliaments of the session, to proceed by some such two months.

On the 21st, it is which was approved, and the next day an act for a Triennial Parliament was read in these terms: "Our sovereign lady, being willing to remove in her several kingdoms, there an ever constant and right to frequent of parliament: does therefore, with the advice and consent of parliament, statute and ordain, That there shall be a new parliament called and intimated, to meet, sit, and act; and that once every third year after the 1st of August in the year. And her Majesty does hereby declare, with consent aforesaid, that this present parliament shall not continue and endure any longer than the 1st of August aforesaid; and that, without prejudice of her Majesty and successors royal prerogative and power to dissolve parliament sooner than the said term of three years, it shall be thought fit. And further, with the advice aforesaid, statute and ordain, that, from and after the said day of August aforesaid,

any person or collector of her majesty's customs, excises, or any other branch of her majesty's revenue, shall be capable to be a member of parliament, nor to sit and vote therein, after the date aforesaid; and it shall be a sufficient objection against any candidate, that he is employed, directly or indirectly, as a farmer or collector, or any part of her majesty's revenue; to declare how soon his place and vote is put in question."

The courtiers saw it was to no purpose to oppose this act, and being afraid of a new parliament, they only proposed, that the act should not take place during her majesty's life. The radicals, on the other hand, insisted, that it should commence immediately; but many members, who doubted their own power to be elected anew, proposed a truce between the two, that it should take place three years after the date, that is, the 1st of August 1706; with which, as the least of the two evils, the members passed and carried it, and so the whole act was approved.

Another act ordaining, that the Scots ambassadors, representing Scotland, should be present, when the meetings had occasion to treat with foreign powers and states, and accountable to the parliament of Scotland, was also approved. But several other statutes were made, that never were registered with us. Nor did the above-mentioned act obtain the royal assent, though the court presented it often to many of the members, and thereby kept them in good humour, while the act for a Treaty was passing, they thinking themselves in a tolerable good state by these Acts of Limitation, and never imagining, that the Treaty would terminate in it did.

But Fletcher of Salton, having, in a long discourse, set forth the deplorable state to which the Scots nation was reduced by being subjected to English church and revenues, while the same person was king of both kingdoms, concluded, that those acts were not sufficient, and therefore proposed a scheme of limitations, which he proposed to be registered as an act, and taken into consideration, "I. That elections should be made at every Michaelmas high-court for a new parliament every year, to wit the 1st of November next following, and adjourn themselves from time to time till next Michaelmas. That they chose their own president, and that every thing be done as by following in place of following—II. That no more new burrows should be added to the parliament, as there had been burrows created near the last representatives of the number of burrows; and that in all time coming, for every burrow that should be created, there should be a burrow added to the parliament—III. That no man should have a vote in parliament, but a soldier-man, or elected member—IV. That the king should give the third voice to all the laws offered by the houses, and that the president of the parliament be empowered by his majesty to give the royal assent in his absence, and, here pro-

posed adding a dog salary = V. That a number of thirty-two members, or which must be a quorum, chosen out of their number by every parliament under the king, should have the administration of the government, be accountable, and accountable to the parliament, with power, on extraordinary occasions, to call the parliament together, and that, in the great council, all things be determined by a majority, instead of voting—VI. That the king, without consent of the parliament, should not have the power of making peace and war, or of concluding any treaty with any other state, or a nation—VII. That all places and offices, both civil and military, and all persons actually employed by the crown, should ever after be given by parliament—VIII. That no regiment or company of horse, foot, or dragoon, be kept on foot in peace or war, but by consent of parliament—IX. That all the trade-men in the nation, between sea and sea, be dealt with by general and final acts, and of no other; and customs always provided in such cases and summations suitable—X. That no general indemnity, or pardon for any transgression, should be sold, without consent of parliament—XI. That the officers members of the college of justice should be incapable of being members of parliament, or of any other office or pension, but the salary, that belongs to their place, to be increased as the parliament should think fit. That the order of precedence should be in those of their members, to be created by the parliament, and that there be an extraordinary lord, or also, that the lords of the justice-seat should be distinct from those of the council, and under the same restrictions—XII. That, if any king should break in upon any of these conditions of government, he should, by the estates, be declared to have forfeited the crown." Fletcher enlarged upon every article, ending saying to them, that the first eight were necessary to prevent English influence over Scots affairs, the ninth, to enable the nation to defend its rights and liberties; and the tenth, to clear themselves of state from pressing to give the king bad advice, and doing things contrary to law. "The eleventh article, he said, was necessary to preserve the independence from foreign judges."

And if the twelfth, concluded by, he was approved, said I am, this house might now, the last time James was barbarously and unjustly treated." However the scheme of limitations was never carried into an act.

Proceedings on the Plot.] Another material point under the consideration of this parliament, was the Plot. They had in their former session, addressed the queen in relation to

"The earl of Mar having spoken against the scheme, I believe, is a great error." It is no wonder his lordship was against it, for, had there been no such act, his lordship had been long before hanged for not doing the king James, the master of the house, and his perfect grace the Berrington's, Lockhart.

through persons, or were evidences in, and such papers as related to, that affair; and, in the beginning of this session, the dukes of Hamilton and Athol were very desirous to prosecute it to the utmost. But the cavaliers were not so forward, first, because they under a kind of engagement to the earl of Mar and another Whig or two present, not to proceed of Queensberry's friends opposed the attempt of Hamilton and his party, so in the latter season, they should not move on that affair, which would in case the duke's friends took a degree, that means it there would not consist in opposing the act for a treaty. In the next place, the cavaliers considered, that the order of many people's indignation against the plot was blunted, by its lying so long dormant. And being, at the same time, apprehensive of being baffled, if they attempted any thing against the duke of Queensberry, they reached a second center, at least till they saw whether the dukes of Hamilton and Athol could prove any thing. It being moved, on the 28th of August, that the house might be acquainted what answer the queen had returned to the Address, the lord-commodore declared, that he had received a letter from her majesty relating to that matter, and would again her pleasure therein to the parliament in a few days. Accordingly, on the 11th of September, the lord-chancellor acquainted the house, that she sent of the papers relating to the late plot were now transmitted; and that they should be given to the clerk-registrar, who passed by the inspection of the house. But, when the house took those papers into consideration, it was urged, that they were only copies, and that the principal evidences, such as Sir John Mordaunt, Mr. Ker, and others remained in London; and that the parliament could not proceed any further in that affair, unless the original papers, and the persons who were evidences, were at their command. However the dukes of Hamilton and Athol, and Sir John Mordaunt, made speeches in their own vindication, asserting, that the accounts against them in the discovery of the pretended plot was false and calumnious. The duke of Athol, in particular, made long narrative of the beginning, progress and conclusion of the whole affair, accused the duke of Queensberry of endeavouring to give the queen a false impression of her good subjects; produced copies of letters sent from him to her majesty, shewing, that all the cavaliers had an hand in the plot, or, at least were accessary to her; and that, the house to carry on his design, he had employed and held correspondence with Fraser or Lord Lovat. But, notwithstanding all this great clamour, no further notice was taken of this affair.

Proceedings touching an Union with England.] The business, which the court had principally at heart, was the act for a Treaty with England. The earl of Mar had, in the beginning of this session, presented an act for approving commissioners to treat with commissioners from England of an Union, which lay upon the

table, till most of the arguments in relation to trade and the limitations were discussed, these things being over, the other was resumed. But not much of the same nature and import with the act passed in Scotland, both improving commissioners to meet in town of an Union of the two kingdoms affecting and however, they were very tedious, meeting of any alterations in the church government, as by law established, in the respective states. The only material difference was, that the English act not only gave the queen the nomination of the commissioners on the part of England, but required also that the queen should never meet against the Scotch commissioners; whereas, in the draught presented by the earl of Mar, there was a blank for the power of the nomination. This gave occasion to Mr. John of Salton, in a peremptory speech, on the 22th of August, to speak against the haughty and supercilious proceedings of the English in this affair, shewing the house how much this treatment, as became Scotsmen, for which purpose he offered an Address to be presented to her majesty, importing, "That the act passed in the parliament of England, concerning a proposal for a Treaty of Union of the two kingdoms, was made in such arrogant terms as the honour and interest of the Scots nation, that then, who represented that kingdom in parliament, could no ways comply with it; which they had the greater reason to refuse, because a Treaty of Union had, in the statute, been recommended to them by her majesty. But that they should be obliged now to comply with any such proposal from the parliament of England, whereas it should be made in terms as capable of honorable and advantageous to the Scots nation." The house, rejecting this motion, called for the earl of Mar's draught, and the English act, both which were read. The cavaliers and country party observing, that there was a great inclination in the house to set a treaty on foot, thought it improper to oppose it any longer in general terms, and therefore resolved to address to the commissioners with such maxims and professions, as should retard the treaty's taking effect. In order thereto, the duke of Hamilton presented a clause to be added to the act, importing, "That the Union to be treated on should no ways derogate from any fundamental laws, ancient privileges, rights, liberties and dignities of the Scots nation." This the cavaliers vigorously opposed, as inconsistent with the intended union or incorporating Union, at which the shewing the Scots parliament was a necessary consequence. And therefore they urged, "That, since Scotland and England were under one monarch who mediated between her two Kingdoms, and England had already given ample powers to their commissioners, it would be unnecessary in Scotland to restrain their commissioners. That it would show a jealousy of her majesty and might put a stop to the treaty, were kept in it would not but appear, that the Scots com-

should have as ample powers as that there could be no danger in giving additional powers to their commissioners, and it was expressly provided, that no matter being moved, first agreed to, should be rejected, unless it were first rejected of and approved by the parliaments of both kingdoms. After intercession upon their commissioners' petition, and making their report of the vote of the house, that should be a treaty, then it would be proper for the house to resolve, whether it would treaty or not on this vote. " To this it was answered, " That Scotland and England being under one sovereignty made this of one necessity, since neither kingdom sought them, and it had been often complained of in the house, that their sovereignty was under English influence, and subject to the council at her English court, who regarded the honour and favour of Scotland as theirs, that was consistent with that of England. That a settling of this clause could never apply the first and true of the queen's majesty and rights to her ancient kingdom, since all that could be made was, that the Scots parliament being sensible that the queen was not in a capacity to leave the interest and administration of Scotland as well as those of England, had taken care to prevent any inconveniences, that might arise from thence. That there were some things to be mended, like the late union in our character, such was the changing or varying there, as never to be interrupted, or the subject of any treaty. And the preservation of this clause, such as the sovereignty, independence, and freedom of the nation, being of this nature, might therefore to be added. This England could not take it upon, were they themselves left restrained their own commissioners from treating of any alteration in the chief government of this kingdom. But the Scots were a free independent people, and had a power to give law corrections, powers, and restrictions they pleased to their commissioners. Neither was it to be imagined, that England would refuse to treat upon any one of the clause, because the very clause, in the same express words, was inserted in the act of the treaty in the reign of King James V. and in the same purpose in most of the subsequent acts of treaty; and yet neither that King (who would have had good reason to be offended in any disrespect or distrust shown towards him) nor his successors, nor the parliament of England, made any intreat upon that account to meet and treat with the commissioners of Scotland." These and many other arguments were used for and against the clause, but the question being put, whether it should be added, or not? It was carried in the negative by two voices only, through the neglect of seven or eight of the cavaliers and country-party, who happened to be absent.

This being over, another clause was offered respecting, " That the commissioners should not go out of Scotland, to enter into any treaty with those to be appointed for England, until

there was an act passed by the parliament of England, recording that clause in the English act, by which it was insisted, that the subjects of Scotland should be adjudged and taken as slaves, after the 24th of December 1705." The members insisted upon this clause as necessary to moderate the honour of the nation from the disgrace of her English inferiority, upon a belief, that, if it were added, the English would not comply with it, and so the treaty would cease treating. Upon the same consideration the commons opposed it, but observing it took with the house, they did not pressure to do it singly, but by this voted motion, " That the clause should be approved, though not, as was proposed, expressed with the body of the act in a treaty; but, a resolve of the house passed, that, when the act was finished the house would immediately proceed to consider, whether the clause should be of force, by a particular act, or by an order of the house;" and the question being asked, " Add the clause in the act, or by a separate act," the house were divided. By this the commons were satisfied by an act or treaty, for if the clause was inserted into an act at the close of the session (when they had no more to propose of the parliament) they might give the royal assent to the act of treaty, or refuse it to that, as they should be directed from England; and in case the clause was turned into an order of the house, then they might dissolve the parliament, by which means the act, respecting the commissioners to treat, remained in force, and the order ceased. Before the vote was taken, upon the clause in a treaty, the Duke of Athol, on the 1st of September, moved his protest in these terms, " In regard, then by an English act or parliament made in the last session thereof, entitled, An act for the effectual securing England from the several acts, lately passed or recorded, the subjects of this kingdom are to be adjudged slaves, born out of the allegiance of the queen, as queen of England, after the 24th of December 1705. I do therefore protest for myself, and on the name and behalf of all such as shall adhere to this my protest herein, that, for securing the honour and interest of her majesty, as queen of this kingdom, and maintaining and preserving the undoubted rights and privileges of her subjects, no act or treaty with England ought to pass in this house, unless a clause be inserted therein prohibiting and discharging the commissioners that may be appointed and appointed for carrying on the said treaty, to depart the kingdom, or assist thereto, and the said act be repealed and rescinded by the parliament of England." To this protest most of the cavaliers and country party, and all the squires adhered, making in all twenty-five peers, thirty-seven barons, and eighteen burgesses. While the rolls were calling upon the reader (a being very late) many of the members, after they had given their votes, went out of the house, expecting, that the parliament would not have proceeded to sign a new League that night; but more

day after the last name in the roll was called, Duke Hamilton, addressing himself to the speaker, moved, that the nomination of the commissioners for the treaty should be left wholly to the queen. Upon this unexpected motion Kaituma or Litchie the cavaliers ran out of the house in rage and disorder, saying aloud, "That it was to no purpose to say any longer, since the duke of Hamilton had departed and so loudly betrayed them." However those, who remained, strenuously opposed the motion, and a hot debate arose upon it, wherein the cavaliers used the very arguments which duke Hamilton had often used. "What leave the commissioners to the queen? Not she is a monarch a prisoner in England; and the estates of Scotland had taught us our duty is a case nearly related to this during the captivity of king James the first. Our queen knows none other, but as surrounded by her English country, and surrounded by our inclination to move that kingdom. Our queen never had an opportunity to know the true interest of our country, and, though she did, yet in her present circumstances, cannot free her regard for it, and who then is proper to manage the foreign commissioners to great or little affairs in a Scots parliament?" Little or nothing was offered to answer either to these arguments, or against the motion. "That as persons who had any voice in England, should be of the number of the commissioners." Which was resolved at the date of the motion. But the courtiers still moving, that the sense of the house might be known in this matter, the question was put, "Whether the nomination of the commissioners be left to the queen or to the parliament?" And by reason of the absence of the members before mentioned, it was carried for the queen by a majority of eight voices only. Duke Hamilton's proceeding in this affair was highly reviled by the cavaliers, but he endeavoured to vindicate himself by alleging, that after the parliament had rejected the several clauses, that were proposed to be added to the act, he thought it was time to content any longer; and since the crown would have had a majority, to give the nomination to the queen, he might be allowed to make her the complement. Besides, it was the duke's opinion that if the commissioners named by the queen should do any thing, that should not be approved in the subsequent parliament, they might be the more severely censured for it, than if the parliament had named them. But it is thought, that the duke had a mind to be one of the commissioners himself; and knowing, that he should not be named by the parliament, he resolved to rely on the duke of Argyll's, and the earl of Mar's promise of his being named by the queen; who having refused to do so, the duke of Argyll renounced it so far, that he would not suffer himself to be named, and even threatened to oppose the Union, though means were afterwards found to induce him to alter his mind. He

In the next sitting of the parliament, on the sixth of September, two draughts of an address were presented, one by the earl of Southdown, the other by Marquis of Balfour, both tending in respect to give her satisfaction with the parliament in England to remove that part of the English act, declaring the subjects of Scotland to be slaves; both which draughts were read as was also the contents of an act, ordaining, that the commissioners on the part of Scotland should not enter upon the treaty but as Union with England, until that clause were repealed. Marquis the speakers moved, that the parliament should proceed by way of order to their commissioners, and by address to his majesty, and not by way of ratification, when these debates, the question being put, was carried for the Order and Address, which were successfully drawn up, and unanimously agreed to. That an overture of an act, was presented, discharging the peers of Scotland from going into England, without leave of the parliament, but on the 22d of September, after a first reading of this overture, it was rejected. After this, the house considered the act for a treaty with England, and made some amendments to the clause concerning the protest to be given to the commissioners. The cavaliers took this occasion to renew the motion, "That as Union should not derogate from any fundamental laws, ancient privileges, rights, rights and dignities, and liberties of the kingdom of Scotland," but, after some debate the question being put, whether that clause should be added, it was carried in the negative, and thus the act was approved, and received the royal assent. However the duke of Argyll protested against it, for the reasons contained in his former protest, and was delivered to by 20 witnesses, 23 barons and 12 burghs.

Sept. 22. The act for granting the queen's supply of an months cash, amounting to 425,000*l*. (Scots money) for maintaining the army, garrisons, and figures for one year, was approved. On the 18th the house went upon the public accounts, and allowed to the commissioners of the same 500*l*. making with; 20*l* to the clerk and 10*l*. to other servants 1,200*l*. to the lord Belhaven; 200*l* to the duke of Thunbury, and 2,000*l*. to the duke of Argyll, as being due to him; which sums were paid out of the 40,000*l*. money granted to the queen.

After this the parliament was adjourned to the 29th of December following.

A D 1706.

PROCEEDINGS in the Scots Parliament relating to the Union with England.

The Commissioners of both kingdoms having prepared a complete scheme of an act

* "The Majesty's ministers were not sensible of the difficulties which duty had to do

all the three papers lay a subject by the commissioners of both Kingdoms. It was resolved to lay the matter first before the parliament of

Scotland against above 100 dissenting papers and 4000 signatures. Scotland would be no more considered as formerly its sister prince and sharing their pains should in consequence and discovery they imagined that from all the other papers (as was), but that the same sacred resolve to get them to be carried over, it being evident, in a new design added to the articles, that these should still remain within the kingdom. They received most vehemently on the design, that the commissioners at their church must be so, when all should be under the power of a British parliament. This was passed with fury by some, who were known to be most violent enemies to Presbytery, at any in that nation. But it was done on design, to reduce that body of men by those apprehensions, and so to engage them to persist in their opposition. To stop this head, other the great dissent maintained for the Union, before they entered on the consideration of the present article. An act was proposed for improving the Presb. form of government, by which it was declared to be the only government of that church, which did as all in reading times, and the instrument it was declared to be a fundamental part of the constitution and condition of the Church, and it was to be made a part of the act. On the 11th inst, which is, in the consequence of this, was to be read by another act of parliament in England. Therefore, who were the greatest enemies to Presbytery, of any in the nation, joined the clamour at the danger that form of government would be so, if the Union went on, so much a breach, that by their means that act was carried, so far as any business could go, for their intent, for, by this, they had, not only all the security that their own parliament could give them, but they were to have the faith and authority of the parliament of England, it being, in the royal edict, made an essential condition of the Union, the improving this matter so far was done, in hopes that the parliament of England would never be brought to pass it. This act was passed, and it gave an entire satisfaction to those who were disposed to receive any, but nothing could satisfy men, who made use of this, only to mislead others.

"The party who opposed the Union, finding the majority against them, studied to raise a storm without doors, to raise them. A set of addresses against the Union were sent round all the counties, in which those, who opposed it, had any interest. There came up many of these in the form of counties and boroughs, and at last from parishes. This made some noise abroad, but was very little considered there, when it was known, by whose acts and practices they were produced. When this appeared to have little effect, pains were taken to convince the rabble to violent attempts, both in Edinburgh and at Glasgow. About two or

three thousand commoners came to arms in Edinburgh, and publicly burnt the outside of the town, and suffered on the market-cross a declaration of their opinion for so doing. Sir Patrick Johnston, lord provost of Edinburgh, had been one of the commissioners, and had concurred heartily in the design. A great multitude gathered about the house, and were beating the doors, on design, it was believed, to murder him, but gentlemen and disposed them. Upon this attempt, the presbytery published a proclamation, the next day, against tumults, and gave orders for quartering the guards within the town. But, it seems that this was not intended to convince the parliament, the private matter was laid before them, and the proceedings of the presbytery were approved. Although no person of distinction appeared among the voters, yet it was an difficult matter to gain from what opinion this disturbance arose, some, at the same time, that they needed the High Commissioners, and other well-wishers to the Union, they attended the debate at Hamilton with great solemnity, as he passed the voters to and from the parliament. However, no other remarkable attempt was made near this; but the body of the people showed so much malignity, that probably, had any person of authority once landed there, they would be full of such combustible matter, that the Union might have met that nation in a great convulsion. These things made great impression upon the debate at Greenberry and on some about him. He disavowed of succeeding, and he apprehended, that his person might be in danger. A friend of his wrote to the lord-treasurer Godolphin, expressing the ill temper the nation was generally in, and moved for an adjournment, that so, with the help of some time and good management, those deliberations, that seemed irreconcilable, might be composed. The lord-treasurer's answer was, that a delay was, upon the matter, leaving the whole design aside. Orders were given both in England and Ireland to bring troops ready upon call; and, if it were necessary, more forces should be ordered from London. The French were in no condition to send any assistance to those, who might break out, so that the commissioners of the part were formidable. The lord Godolphin desired therefore, that they would go on, and can be alarmed at the foolish behaviour of some, who, whatever might be gotten out of their minds, he believed, had more wit than to ruin themselves. Every step that was made, and every case that was carried, was with the same strength, and met with the same opposition. Such parties among strict attendance during the whole winter, which lasted three months. Many preparations were printed, with every man's will. In conclusion, the whole articles of the treaty were agreed in, without any small variation.

Count of Oldenburg, &c., his grace James Duke of Richmond, by her majesty's High Commissioners, attended by the nobility, barons, and members of parliament, whose his grace's commission was read and recorded as usual.

The Duke's Letter to the Scotch Parliament.—After which, her majesty's letter to the parliament was read as follows.

"My Lords and Brethren: Since your last meeting, we did humbly Commend us to you, and to all those barons our two kingdoms of Scotland and England, and by their great love and diligence, a Treaty is happily concluded, and laid before us.—We have called you together as soon as our affairs could permit, that the Treaty may be under your consideration, in pursuance of the act made in the last session of our parliament thereof: and we hope the treaty will be acceptable to you.—This Union has been long desired by both nations, and as it will extend a the greatest glory of our reign to have it now perfected, being fully persuaded, that it will prove the greatest happiness of our people.—An union and perfect Union will be the solid foundation of Liberty, peace, it will secure your religion, liberty and property, remove the animosities among yourselves, and the jealousies and differences between our two kingdoms: it will increase your strength, riches, and trade: and by this Union the whole island, being joined in affection, and free from all apprehensions of foreign incursions, will be enabled to resist all its enemies, support the present interest every where, and maintain the liberties of Europe.—We do upon this occasion renew the assurances, we have formerly given you, of our resolution to maintain the government of the church, as it is established in Scotland, and decrees of both parliaments, upon which the Treaty is founded, having received their respective parliaments of the church in each kingdom, the commissioners have left that matter entire, and you have now an opportunity for doing what may be necessary for securing of your present church government, through the Union, within the laws of Scotland.—The support of our government, and your own safety does require, that you do make every provision for maintaining the peace, discipline and government, until the parliament of Great Britain shall provide for these orders the united kingdom.—We have made choice of our treaty and right entirely beloved cousin and near ally, James Duke of Gloucester, to be our commissioner, and represent our royal person, being well satisfied with his stature for this

cause, from experience we know of his capacity, and fidelity to our service, and the good of his country, which is now determined on in the clause, we doubt not but will make him acceptable to you.

"We Lords and Gentlemen: Be assured that in my encouragement to you to break this Union at this time, I do truly think you should see true, and those of our allies, which are not far off, which you, in the present proposal of a happy peace, and which you will have the full possession of all the advantages of the Union, and you have us to give as much as the parliament of England will do when it returns on their part, after the return, they have shown us many a late night when the country on the Treaty.—We most earnestly recommended to you a peace, and union, is the great end which all our, that the Union may be brought to a happy conclusion, being the only efficient way to secure your present and future happiness, and to dissipate the dangers of war and your enemies, who will, doubtless, on this occasion, are then almost end every to prevent or delay the Union, which now so much contributes to our glory, and the happiness of our people, and would bid you hesitate thereof.—Given at our court at Whitehall, the thirty, in 1 day of July, 1706; and of our reign the 4th year."

The Lord High Commissioner's Speech.—The Letter being read, his grace, the Duke of Gloucester, by her majesty's High Commissioner, spoke as follows.

"My Lords and Brethren: Her majesty, by her gracious letter, has acquainted you, that the Treaty of Union between the kingdoms of Scotland and England (pursuant to an act made in your last session) has been happily agreed on, which is now in my lord regent's hands, ready to be laid before you.—The lords commissioners for the kingdom have been diligent and watchful in examining and examining the same, and it must be acknowledged, we must with a very fair and friendly disposition on the lord commissioners, as on the other part.—The Treaty has, with all honesty, been presented in the spirit, and was most graciously received, and though an oath was ever so duly given, for you and already sworn, and so many important reasons, as that of her majesty, you, you see, she is pleased to extend the performing of this Union, as the greatest glory of her reign, being the most solid foundation to a peace, security to the Protestant religion, and the liberties of Europe, and of peace and happiness to her people.—These reasons, I doubtless, will make the Treaty acceptable to you, and I persuade myself that you will proceed with such alacrity and impetuosity, as the weight of the subject requires, and as her majesty is great as to wish.—The lords commissioners for both kingdoms were invited to treat of church government for the security of Presbyterian government in the church, you have the laws already made for an establishment, the queen's disposition to pro-

"The earl of Stair, who had all along assisted himself with great zeal in favour of the Union, and who, though much indisposed, came on the 14th of January to the parliament house, and maintained the debate upon the 12th article, and yesterday the next night, his spirit being quite exhausted by the length and volume of the debate, died at 11 o'clock."

serve it, and I am empowered to consent to what may be further necessary after the Union.—Her majesty has been pleased to recommend to you in the present for the forks, shops, and garrets, which is very necessary, the schedule created at your last meeting being run out, as I should not but you will give witness thereto.—*My Lord and Gentlemen*—This was necessary of the great difficulties that stand the weighty chamber, it has pleased her majesty to honour me with, but with your assistance, upon which I very much rely, I hope, by my zeal, and labour for her majesty's service, and the good of my country, which are inseparable, to discharge my duty on this extraordinary occasion."

The Lord Chancellor's Speech.—His grace had no more to say, than the end of his field, lord high chancellor, spoke to them in the manner.

"*My Lords and Gentlemen*—It hath been, and is the greatest happiness of the nation, that the queen our sovereign, both always made it the chief design of her mind, to protect her subjects in the enjoyment of all their rights and privileges, to promote their good, and to establish their peace and prosperity upon sure and lasting foundations.—For these ends, her majesty, in her most gracious letter, dated, with great ceremony, recommended to you the concluding of the Union of the two kingdoms, and has plainly and fully laid before you the great advantages that that Union must bring forth to all Bretn, and in particular to this kingdom—(The lord chancellor then stated by her majesty for this kingdom, as great of the Union, have undertaken to discharge this great trust with all fidelity, and have agreed to such terms and conditions as I hope shall be found just, reasonable and advantageous.) The Treaty has been already received very graciously by her majesty, and is now ready to be presented to you, for your consideration.—I do not think it proper, at this time, to dwell on the particular Articles of this Treaty. I shall only beg leave, in my general, that it may be of great advantage to have the whole taken under our government, and considered entirely in interest and affection, having equality of all rights and privileges, with a free communication and intercourse of trade, which must certainly establish our security, augment our strength, and increase our trade, and riches.—We can never expect a more favourable partner for communicating this Union, than at present, when her majesty has not only recommended it, but declared, that she will secure it the greatest glory of her reign, to be most perfected, and when the parliament of England has done its utmost for it, by removing all the obstacles that did lie in the way of the Treaty—and it was also been acknowledged, that the lords commissioners for England did every thing and bestowed all along in this affair; and to give it all glories, or even advantages that had been of her majesty's own and those of her allies, give us the Age of a new order,

advantageous peace, whereby we will be in the possession, and attain to the full enjoyment of all the liberties and privileges of both, now offered by the Treaty.—The commissioners of both sides have only treated of such things as concern the civil government, liberties, privileges, trade, and taxes; but those chambers created to be the boards government, are being removed to each kingdom by the respective acts of parliament, upon which the Treaty proceeded—and you have now before you the lines already made, with her majesty's engagements, repeated assurance, for maintaining and continuing Presbyterian church government within this kingdom.—but the full opportunity of making such conditions and provisions, as shall be found necessary for its security, after the conclusion of this Union, within the limits of Scotland.—Her majesty recommends to you, to provide the necessary supplies for the troops, garrets and ships, the funds formerly given, are expired, and therefore I doubt not but you will easily comply with what is so plainly necessary, for the preservation of the public safety, and preventing the designs of enemies even in time of war.—here we have now the opportunity of establishing for ourselves and our posterity, by this Union with England, all that concerns our religion and liberties, together with the most valuable privileges of trade, I am hopeful that you will proceed to the consideration of the Articles of the Treaty, in such manner as shall bring it to the desired conclusion, and it cannot but tend to the lasting honour of this assembly of parliament, to have so happily finished this most important and weighty matter."

Proceedings about the Union.—Oct. 12. It was moved, That the Articles of the Union, ordered on by the Commissioners of both kingdoms, should be read, as also the minutes of the said Commissioners. And they ordered that all records, relating to former disputes between both kingdoms, should be laid before the house, and that in the intervals of parliament, they should be seen in the lower parliament, where some of the lord Bishops's answers were in attend. And the Articles of Union being accordingly read again, it was agreed, that the parliament should proceed to the consideration of them.

Oct. 13. When they debated the vote of the 12th, to proceed the Articles of the Union, or delay: the country party, moved for a delay; but being put to the vote, it was carried pro and 120, Non 22, so that it was carried by 68.

Oct. 16. They read the first eight Articles of the Treaty, and the proceedings of the Commissioners relating to them, and on the 17th, the 9th, 10th, 11th, 12th, 13th, and 14th, were all successively read, with the proceedings of the Commissioners in the Treaty relating to them, and were likewise read, (thereby the 15th and 16th were not with the proceedings relating to it, and after a great delay, there arose a debate, that the commissioners

to the same therein mentioned; which was approved of all the next sitting. The calculation, however, went about the equivalent of £1,000,000 to be granted to Scotland, for various and several customs, now payable in England, and applicable towards payment of the debts of England, contracted before the 1st Jan. 1707; whereby it will proportionally improve the customs in Scotland, being 50,000^l per annum, did bear in the customs in England, computed at 1,700,000^l per annum; and which the present custom in Scotland, being 10,000^l per annum, bears in the customs in England, computed at 600,000^l per annum.

Oct. 28. The debate about the calculation of the Equivalent of 500,000^l £s. was renewed, and after some time spent upon it, it was agreed to name a Committee of three persons of each State, to proceed and examine the said calculation, and to report the same to the parliament. There several paragraphs of the 21st Article were read again, and further agreed on. The XVIIth and XVIIIth Articles were also read; and with the proceedings of the Commissioners relating to them, were also argued upon. So was the XVIIIth Article, and the proceedings relating to it, and after some discourse upon it, the further consideration of this article was delayed till the next sitting; the same day several members spoke in equivalent and trade in general, and to that of the African company in particular; upon the latter, there were two motions made, one, that the parliament should issue upon a compensation of all the losses the African company had sustained, since those losses were occasioned by the order annulling of England, as appeared by former votes of the parliament of Scotland. The other was, that among the equivalent to be given to the proprietors of the African company, was not to be paid by England, but out of the Scots customs and excise, and therefore the property of that company ought to belong to the kingdom of Scotland, as a national company, and not to be abandoned and the nation owe a proper recompense, and an adequate price for it. Both these motions, and several others of the like sort, were laid upon the table to be considered when the Articles to which they related were taken into consideration.

Oct. 29. The XVIIIth article of the Union was again read, when it was moved, that the English laws concerning the regulation of trade, &c. in which Scotland, by virtue of the treaty, was liable, be passed. Moved also, that the English book of rates, with the abridgement of the laws relating thereto, be passed. Moved also, that it be remitted to a committee of parliament, to examine each of the said laws as they shall be passed, or to report to the parliament. And after some debate upon it, the further consideration of it was delayed till the next sitting.

The Leader Instructed read.] Oct. 28. The day that the KINGth Rthdy and Xthdy

Articles were read and debated, and that the XIIIth and XIVth was read, a Proclamation was delivered to all the members as they entered the house, which ran in these words.

"Inasmuch as by the Magistrates and Town Council of the Borough of London, in their Communication to Parliament, in relation to the Union proposed between the Kingdoms of Scotland and England.

"At London the 28th day of October, 1706, were the which day the said had been presented at the House of Lords, being read and in printed order the following of the said letter, having received a letter directed to them from the said House the 27th of October instant, and having received of the said House the 28th day of October instant, a letter and enclosing a paper in connection of the said letter, to be taken and to be at Edinburgh upon the 28th day of the said month, and there, and returning to send a communication to the said House, fully connected, in relation to the Union proposed between the Kingdoms of Scotland and England, &c. as the said letter bears, And the said letter, with the articles of the said proposed Union, being both printed publicly read, in presence of the Lords and Council and all the other burgesses, merchants of the said borough, assisted by the burghs and citizens as the said great officers, to be there present, and to give their opinion. It was unanimously agreed to by the burghs and Council, with consent of their neighbouring burgesses, that David Cunningham of Edinburgh, knight and baronet, and their commissioners and representatives at the present parliament, should be their commissioners in the foresaid general convention of burgesses, in the name of their commission of the said burgesses. And being fully connected, that all and their commissioners for representing them in this present parliament, be connected in the most full and ample terms imaginable, yet the same can never empower him to sell or vote any thing which may tend to the impairing or subverting, or altering any manner of any law, constitution, custom, right or privilege, without their particular and unanimous consent given him for that effect. And having likewise seriously considered the several and particular Articles of the said proposed Union, and that they look upon themselves as bound in duty, at this time, to give their opinion in relation to the Union proposed, do therefore unanimously give it as their humble opinion, That the devolving the powers of the Scots parliament into the hands of a small number of lords, barons and burgesses, allowed by the said proposed Articles to sit and vote with the whole Lords and Commons of England, is a pretence to be called the parliament of Great Britain, is dishonourable and prejudicial to the Kingdom of Scotland, tending to the destruction of their ancient constitution, and all their rights and privileges, and the people is prejudicial, and is contrary to the interest and

agreed with the same, especially that of the
 1st Article.

It was then agreed that it shall be first agreed to in the present Parliament, or any other before the said Union, that the two Parliaments shall continue in all their functions, especially as to the laws and subjects of England shall be only subjected to the relation of a second Parliament, constituted according to the laws of the said Kingdom: The said Lords and Commons, with consent of their burgesses, have empowered, authorized and required, and hereby empower, authorize and require the said Sir David Cunningham, their Commissioner in the present Parliament for them, and in the names and behalf, in open and plain parliament, by his vote to dissent in, and discharge of all and every one of the Articles of the said proposed Union. And in case the said Sir David shall not follow and obey these directions, and, as pointed, that in case the contrary be resolved, being not only contrary to his commission, that is manifest, but likewise tending to the improving and advancing of their constitution and privileges, he is and it shall be first agreed to, by that or any succeeding parliaments, that they and the succeeding parliaments shall continue in integrity, we then present a petition, or any other our Commissioner in the name, our particular complaint, as to the other several Articles of the said proposed Union. And that the same opinion and proceedings may be made known to our brethren the most loyal burgesses, we have ordered these presents to be publicly printed and dispersed among them. In testimony whereof the said Sir David Cunningham has caused the said royal burgesses, and their lieges and it is to the parliament, being subscribed by the Lords in presence of, and of the Commons of the Kingdom, are extracted forth to be read next week in the borough of London, by Mark Hinchman, common clerk of the same, and the common seal of the said burgesses hereunto affixed.

"*Sebastianifer, M. Hinchman, Clerk.*"

The next day, Mr. Fletcher of Salton read the Petition to the parliament, that the intention and business of the same was betrayed by their Commissioners. This occasioned a great deal of debate, and it was demanded that he should be called to the bar, upon which several members of all ranks stood up to vindicate what he had said, and after a long debate it was proposed, that he should resign himself. The explanation which he gave was to the effect, that he could find no other good but tranquillity in the removal of the government. He did indeed acknowledge that the word was harsh, but never truth, and in the house it might be best corrected, and delivered by the speaker, he was willing to submit to that manner, upon which the debate was finished.

Upon the Articles about the number of Regiments and Companies, that were to be ad-

joined to the parliament of Great Britain, the proceedings of the commissioners in relation to the same, were read, there were also speeches on both sides, particularly having the Marquis of Anson, and Earl of Stirling, by Mr. Fletcher of Salton, the Lord Justice Clerk, and Mr. A. James. And the debate between themselves with one another, and debates were proposed about the mode of the House Lords and Commons, and the reading the proceedings of the same, &c. to all the Lords of the same rank, to which no answer was given, as it was proposed that night, so that they adjourned.

It was then moved that those who opposed the Union, should be named to answer the same, if it could find answers taken of any sort, &c. all the members of the House of Commons presented a resolution, wherein they presented into the House of Commons, but against the terms, as proposed in the present Article, so that being in the House, and at the same time of it, was included other motions, and propositions were offered about to preserve the Privileges, that the House was entitled to in their ancient and solemn laws, and customs, and that by the sacramental test, which was established in England, they would be excluded from all public posts in the government of Great Britain, and others presented, to assure them, that if they made the request of that test a condition for the Union, it would be complied with in England.

The parliament having read the 34th and 35th Articles, being the two last Articles, on the 20th, they adjourned in November 1790.

Several Petitions against the Union read.] The parliament went through the first reading of the Articles of the Union, but none, and on the 1st of November it was moved, that they should then proceed to the further and more particular consideration of the Articles of Union, in order to approve or not, and to begin with, and read the first Art. 1. Moved also, that the further consideration of the Articles of the Union should be, delayed for some considerable time, till the sentiments of the parliament of England were brought to know; and that the members of parliament might consult those whom they represented. And when some debate on these motions, several Petitions and Addresses were presented, viz. One in the name of the barons, freeholders, and others, within the Shire of Middlesex; Another in name of the barons, freeholders and others within the Shire of London; and there, in name of the barons and freeholders of North Devon, all against allowing of an incorporating Union with England; and read and discussed on. And therefore the debate for delay, on account of those whom the members represented, and of knowing the sentiment of the nation, and the procedure of the parliament of England, was by all, and agreed that the first Article of the Union should be read, but that it should be carried out

the subject of preferences in debate whether or not the first Article should be retained, by amendment, or not. On the first of the parliament, before concluding them, began and concluded any other of the Articles. It accordingly the first Article was read at the first of the day was spent in reading and discussing the differences. The question being posed, that the Union was a matter of justice and general concern, that it was not to be taken into with precipitation, and that those who were addressing coming by which they would see the implications of the country, and of their countrymen. After this several other proposals were offered as preferences, before they should enter upon the treaty, one of which was, that the kingdom should be set in the place of the peace's relations and relations, then there was a debate, whether they should proceed immediately to the consideration of the first Article of the Treaty, or the security of the Kirk. This lasted all night, and then the parliament was adjourned till next day, when accordingly they met, and had a very warm debate, whether they should first secure the Kirk, or enter on the first Article. Much time being spent in this, my Lord Register gave his resolution the state of the vote, that they should enter on the Article; but with this proviso, that though it should be voted and approved, it should be on ways leading, except all the rest were agreed to. In opposition to this, it was proposed, that the state of the vote should be simple, vote on the Article, or first secure the Kirk. A great many spoke for both states of the vote, but being got to the question, the Lord Register's was carried by a majority of 18, and then supported by a greater number.

N° 2. During the debate, whether the security of the Kirk, or the first Article for uniting both kingdoms into one kingdom, under the name of Great Britain, should have the preference; it was argued, that according to the inviolable custom of this kingdom, as appears by their ancient acts of parliament, the Kirk had always the preference to every thing else. But a lord, then he found that the first Article of the Treaty had the preference, stating, which respect to some who were of the opposite side, to John Cowie's saying in the Senate, He was sure was right. And are you also against my vote? There had been antecedent likewise in the consideration of the general assembly, to prevent them with apprehensions of the danger of the Kirk, when twenty-six bishops being in the parliament of Great Britain, where the Kirk could have come to no respect being from the English ministers and not, and for the sake of obsequies, by which they must approve that part of the institution, who had obliged the sovereign to be at the church at England, &c. Nevertheless all which it was proved, by the law of England, to say, the present parliament had no power to alter the institution. Upon which they would have carried things, in the consideration, against the principles

of the Union, but were prevented by the ruling officers. And in order to make the Kirk safe, there were some who proposed, that when the Article for an incorporating Union passed, they should have an express clause to make the Union void, in case the parliament of Great Britain should at least resolve, when the present government of the Kirk of Scotland. Moreover, many of the members, and several Presbyterians expressed their disapprobation, that the security of the Kirk had not the preference.

Mr. Adam's Speech. After this there were several long and warm speeches. Mr. Adam, of Perthshire, spoke thus:

"My Lord Chancellor, This honorable house has heard the several Articles of the Treaty of Union twice read, but against a considerable time in discussing to each of them, and after much debate, in order to examine and determine upon the first. Notwithstanding of the arguments offered against it, I cannot but be of the opinion that the altering of the original I said in voting this Article, having had the honour to be one of the commissioners appointed by his majesty for that end, that I may give all satisfaction to every member, I shall humbly offer, in a plain manner, my thoughts in relation to it.—My Lord, this Article is the foundation of the whole Treaty, and the appearing or rejecting it must determine Union or no Union between both kingdoms.—Now for the approving this Article considers as, our happiness, appears evidently, by considering the three different ways proposed for removing the disagreeing condition of the nation, which are, that we continue under the same sovereign with England, with limitations on his prerogative as king of Scotland; that the two kingdoms be incorporated into one; or that they be entirely separated.—That the Union of Crowns with limitations on the sovereign is not sufficient to rectify the bad state of our nation, appears from those common maxims on reason and experience.—Two kingdoms a subject to one sovereign, being different nations, the more there are one to another, the greater jealousy and contention will be between them.—Every member, having one or more kingdoms, will be obliged to prefer the counsel and interest of the sovereign to that of the member; and the greater disparity of power and riches there is between their kingdoms, the greater influence the more powerful nation will have on the sovereign. Notwithstanding these positions, I shall suppose the parliament of Scotland united with the power of making peace and war, of raising and punishing persons of all ranks, of levying troops, and of the sovereign itself—I could show the answers upon these and attend such a state of government, in disposal of places, and managing public affairs. I could likewise show the impracticability of attaining such conditions, or I might show it would. But saying such such considerations, my humble opinion is, that we cannot stop any benefit from these conditions of government, without the as-

commerce, England, and the people thereof will have no objection to promote the interest of themselves, although arguments are unrepresented in favour of them. I conceive such a state of halcyon to be much better for Scotland, than the more stormy weather from England, in which appearance is little appearance of promoting any interest to our general commerce, which applies itself much more to the interests of the people and government of Scotland than to the interest of money, the common measure of trade.—The money or things of value can be produced in the state of commerce, but where there is a force to protect it.—The nation is behind all other nations in Europe, for many years, with respect to the effects of an extended trade.—The nation being poor, and with as little to protect its commerce as most of us, yet where we by it will be particular of the state will produce at once a powerful and glorious nation, if it can communicate back to us.—I therefore, this day, motion, I shall give a short time to the state of commerce we must needs mix, with respect to our neighbour nations, supposing an entire separation from England.—The nation is now where we can flourish in wealth, by the balance which arises from the exchange of our natural or artificial product with other places, but we have no valuable branch of export, which does not interfere with the like commodity, in some more powerful neighbour nation, whose interest it is to suppress or destroy our commodity, for raising the value of its own; so that there is no demonstrable security for the rest and encouragement of any branch of our export.—Can it be expected, that Holland will suffer us to suppress our fishery, which is to them a security for security, a livelihood to many families, and an immense treasure to the public.—If we traffic with England, our home cloth, cattle, and wool will be discouraged, at least after the same manner that we discourage export from thence. If we traffic with Moscow, Sweden, Denmark, Poland, Germany, France, Spain, Portugal, and Italy, the sale of our commodities will be of small value in those places; seeing the Dutch or English, by their superior of trade, are capable to serve them with most of the like goods cheaper and better than we.—Let us look to any other part of the world for rest to our product, and we will find other nations have prevented us.—If we attempt the East-India trade, that is already enhanced by the Dutch, English, French, Spaniards, or Portuguese, from whom we must expect opposition, they themselves opposing one another daily; and we of no force to debate the issue with the most invincible of them.—The trade of Africa, is for the most part, of small value; and every province of America is claimed as property, by some powerful European nation.—If I be said, that Scotland may make alliance with one of its neighbour's states for protection, that alliance may be with Holland, England or France. Other countries being so remote or

poor, that their friendships can be of little use to us.—With Holland we can have no advantage alliance, because its chief business is trade in the east with ours, with it we cannot expect no profitable friendship, for being our near neighbour, will be justly our increase in power; and from France advantages can be reaped, till the old effects are not common enough to us and it is France and England, which would give nothing to the English, and against it was between them, and so—And allowing the Scots, in such a junction, with the assistance of France to conquer England, Scotland is, that country could not hope to be in its power of safety, so it is more than probable the conquest would make her weak even to England, as formerly the southern people used to be in their warlike expeditions.—I have these remarks, however, to the nation, by a correspondence with England, which is the best way to give us as great as possible to the neighbouring nations in Europe, but that hardly necessary or in danger of referring to that British constitution of government, which is not far behind any other which was frequently attended with fraud, robbery, depredations and rebellion.—My Lord, I am sorry, that, in place of things, we immer ourselves with words; for my part I am pained in durable Union between Scotland and England, but that expressed in this Article by one language that is to say, one people, one civil government, and one interest.—It is true, the words Federal I mean, are become very fashionable, and may be busily fitted to debate whether a people; but if any member of this house will go himself the trouble to examine what conditions or articles are contained by these words, and reduce them into any kind of federal compact, whereby distant nations have been united, I will promise to say, there will be found impracticable, or of very little use to us.—But to put that matter in a clear light, those questions ought to be duly examined, Whether a Federal Union be practicable between two nations accustomed to a non-archival government? Whether there can be any more generally projected for the observance of the articles of a federal compact, separated between two nations, whose the one is much superior to the other in riches, numbers of people, and an extended commerce? Whether the advantages of a Federal Union do balance its disadvantages? Whether the English will accept a Federal Union, supposing it to be for the true interest of both nations? Whether any federal compact between Scotland and England, is sufficient to secure the peace of this island, or directly against the intrigues and remissions of its foreign enemies? and, Whether England, in preference, ought to communicate its trade with protection to this nation, till both languages are incorporated into one?—To clear this last query, I shall offer a remark from history.—Of two independent and distant languages, united by a federal compact, which was necessary,

to which England, by its interest, has necessarily participated. The whole, therefore, unless preserved by such a Union, is under influence on the part of Spain and Portugal, and out of the small Kingdoms, Philip 5. and Ferdinand 7. of Portugal got more advantage from Spain, than Spain, they no longer found it worth the opportunity in the year 1713, to throw in the whole both their Kingdoms and almost the whole of Braggas, Portugal, 1713—1714, and Denmark were united by a federal contract under one monarch, but the Swedes, taking a separate view of their interest, broke off, and chose the king for their king. My lord, I should give a moderate and sporting Union, as it is contained in this Article, to our Kingdom, but

I must not take up the time of the house, I shall only say one historical remark with relation to this Union, as well as about English Kings, the incorporation, two, one Kingdom, incorporation under their own monarch, as England, took the protection of his government, but in respect to the lady point, though never incorporated in the rest of government, but in respect to the rights in proportion to the interest in natural product, or the velocity of circulation, &c. &c. &c. this result, there is some advantage. Spain was formerly divided into two Kingdoms, the whole of it incorporated into the one Kingdom of Spain. — France was formerly divided into twelve states, which were incorporated into the one Kingdom of France. — England was formerly divided into twelve Kingdoms, which were incorporated into the one Kingdom of England, Scotland itself was formerly divided into two Kingdoms, which were incorporated into the one Kingdom of Scotland. — I could give some account of the particular advantages we will obtain by incorporating Union with England, but these will be necessary to disprove of these, as the other Articles fall under the consideration of this parliament. In general, I may assert, that by this Union, we will have access to all the advantages in commerce the English enjoy: we will be enabled, by a good government, to improve our natural product, for the benefit of the whole island; and we will have our liberty, property, and religion, secured under the protection of our sovereign, and our parliament of Great Britain. — Now, my Lord, if legislation on the subject can be effected as we see it is; if an entire separation from England brings no advantage to this nation; and if all Federal contracts, as we are now, have insupportable difficulties, which in some measure I have showed, there is but one of two left in our choice, as we. Then both Kingdoms be united into one, or that we continue under the same two Kings with England, as we have done these hundred years past. The last I conceive to be a very odd state, for by a full experience, be only through we cannot expect any of the advantages which incorporation Union, but on the contrary, our sovereignty and independency will be

degraded, the number of our nobility will increase; our commons will be oppressed, our parliament will be debased by England; the existence of our laws will be endangered; our peace will be interrupted by factions for places and pensions, luxury, together with poverty (though savings) will invade us, numbers of souls will withdraw themselves to foreign countries, and all the other effects of bad government must necessarily attend on. — Let us therefore, my Lord, after all these considerations, approve this Article; and when the whole Treaty shall be duly examined and ratified, I am assured, the parliament will assure their most dutiful acknowledgments to her majesty, for her royal wisdom in promoting a lasting Union between both nations."

Lord Balfour's Speech against the Union.] Next spoke the Lord Balfour, but without improving what had been said by Mr. James. He made a long prolix and empty speech, as follows.

"My Lord Chancellor, When I consider the affairs of the Union between the two nations, as they appeared in the several Estates General, and now the subject of our deliberation at this hour; I had my mind crowded with variety of miscellaneous thoughts, and I think it my duty to discharge myself of some of them, by laying them before, and exposing them to the serious consideration of this honorable house. — I think I see a free and independent Kingdom delivering up that, which all the world hath been fighting for more than thirty years, that for which most of all the empires, Kingdoms, states, principalities, and dominions of Europe, are at this time engaged in the most bloody and cruel wars that ever were, to wit, a power to manage their own affairs by themselves, without the assistance and counsel of any other: — I think I see a national church, founded upon a rock, secured by a chain of angels, hedges and armed shores, by the strictest and most pointed, legal sanctions that ever-mingling could conceive, voluntarily descending into a plain, upon an equal level with Jews, Pagans, Socinians, Anabaptists, Antiquarians, and other sectaries, &c. — I think I see the noble and honorable people of Scotland, whose robust pedescentated arms against their enemies, upon their own proper charges and expenses, now dressed of their followers and ransackers, and put upon such an equal foot with their vanquishers, that I think I see a petty English vicarage receive more homage and respect than what was paid formerly to their quondam Mackintoshes. — I think I see the present peers of Scotland, whose noble ancestors acquired provinces, over-ran countries, subdued and subdued some and fortified places, chased rebels through the greatest part of England, now walking in the court of requests like so many English attorneys, lying aside their walking sticks when in company with the English peers, but their self defence should be found wanting. — I think I see the honorable states

of barons, the bold assertors of the nation's rights and liberties in the worst of times, were spring a watch upon their eyes, and a guard upon their consciences, lest they be found guilty of wantonness iniquitous—I think I see the royal state of boroughs walking in our crowded streets, hanging down their heads under deep-groaning, crowded one off all the business of their old trade, uncertain what kind to turn to, anxious to become peddlars to their wretched neighbours, and yet after all, finding their trade tormented by companies, and secured by monopolies, that they do part of my nation's distress—I think I see our great judges hanging aside their periwigs and dominoes studying the common law of England, grieved with Coke's, New French, Writ of Error, Venue's Indemnity, Expense's Power, Hypocrites, Deceits, &c. and troubled with appeals and evasions, because of the new regulations and restrictions they may meet with—I think I see the valiant and gallant soldiers either sent to learn the plantation trade already, or at home preparing for a small subsistence, to a reward of their honourable exploits, while their old corps are broken, the younger soldiers left to beg, and the younger English corps kept standing—I think I see the honest nation's true nobles, loaded with new taxes and impositions, disappointed of the equivalent, drinking water in place of ale, eating lifeless paste, preparing for an engagement in his manufactures, and so covered by counter-petitions—in short, I think I see the laboring indignation, with his own spilling upon his hands, for want of sale, during the day of his birth, denuding the expense of his house, and uncertain whether to marry or die worse—I think I see the reversible difficulties of the landholders, forced under the golden chain of equivalence, their pretty daughters pining for want of husbands, and their sons for want of employment—I think I see our mariners delivering up their ships to their Dutch partners; and when through poverty and necessity, wearing their breast in such things in the royal English navy—But above all, my lord, I think I see our ancient mother Calcedonia, like Calais, wrong in the midst of our streets, rustily looking round about her, covered beneath with her royal garments, attending the fatal blow, and breathing out her last with us "Et ex quoque tu Es."

"Are not these, my lord, very affecting thoughts?" and yet that are but the least part suggested to me by these detestable Articles. Should not the consideration of these things with those dry bones of corn? Should not the memory of our noble predecessors' valour and resistance come up our drooping spirits? Are our noble predecessors souls got so far into the English village-school, and education, that we should show the least indignation that way? Are our eyes so blinded? Are our ears so deafened? Are our hearts so hardened? Are our consciences so fattened? Are

our heads so fettered, that in this our day, my lord, that in this our day, we cannot see mind the things that concern the soul, being and well being of our ancient kingdom before the day be hid from our eyes?

"No, my lord, God forbid! man's mortality is God's opportunity: life is a precious opportunity of mercy and a remedy, and that right early." Some unfeeling professors will say, that they cast the balance; some Joseph or other will say, "Why do ye arrive in grief, since you are brethren?" None but the very best of men, even Joseph itself, have your hands from the pen, you are such. Some Jewish or other will say, "Let not his hands be upon the lot, he is our king." There will be a Jewish Arch, and someone will be caught in the snare, when the blood hath in at our mother's door. But so then, my lord, and let our noble patriots be like themselves likewise, and we have nothing even a blessing any more.

"My lord, I wish from my heart, that this my vision were not as true as my reason is it is probable: I design not at this time, to enter into the merits of any one particular Article; I intend this discourse, as an introduction to what I say afterwards say upon the whole debate, as it falls in before this honorable house; and therefore, in the further prosecution of what I have to say, I shall stand upon few particulars, very necessary to be understood, before we enter upon the detail of so important a matter.

"I shall therefore, in the first place, endeavour to encourage a free and full debate, without animosity and heats. In the next place, I shall endeavour to make an inquiry into the nature and source of the unusual and dangerous demands that we now on foot within this isle, with some reserves during, that it is our interest to lay them restful this time. Then I shall enquire into the causes, which have induced the two nations to enter into a Treaty of Union at this time, with some considerations and reflections, with relation to the behaviour of the heads concerned of the two kingdoms, in the management of this great concern. And lastly, I shall propose a method, by which we shall meet distinctly, and without confusion, go through several Articles of this Treaty, without unnecessary repetition or loss of time. And all this with all deference, and under the consideration of this honorable house.

"My lord chancellor, the greatest honour that we could confer on History, was to allow him the glory of a triumph; the greatest and most detestable punishment, was that of perdition. He that was guilty of perdition, was beaten with rods upon his naked back, all the blood pushed out of all the veins of his body; then he was sewed up in a leather sack, called a calceus, with a cock, a serpent, and an ape, and thrown headlong into the sea.

"My lord, perdition is a greater crime than perdition, all the world cry, is a triumph.

Lord, when the conqueror was riding on his gilded chariot, crowned with laurels, adorned with trophies, and applauded with banners, there was a warrior appointed to stand behind him, or walk beside him, not to be high minded, not puffing up with over-weening thoughts of himself, and to his chains were tied a whip and a dagger, to whet him, that, ere all his glory and greatness, he was in readiness to the people for his administration, and would be punished as other men, if he failed greatly.

"The present business brought on, my Lord, is to amend the ancient and sacred privy seal in parliament; and in our particular it appears to be greater than that of a borough; because the whole legislative power seems to be wholly invested with him. If he give the royal assent to an act of the estates, it becomes a law obligatory upon the subject, though contrary to without any writ, issue, from the monarch. If he refuse the royal assent to a vote in parliament, it cannot be a law, though he has the monarch's particular and private instructions for it.

"His grace the Duke of Queensbury, who now represents her majesty in this House of parliament, hath had the honour of this great vote so often, if not more than any Scotchman ever had. He hath born the burden of two important trusts, and I cannot but commend his civility, and parsimony, his discretion, his liberality, his industry, and his sense of duty, and I might say some speeches not yet dissolved, that he grace has yet had the resolution to undertake the most unpopular measures here. It is your honour in the office of an Usher, and that it gives for the happiness and welfare of the nation, that he justly seems to have a share of gold created for himself. But if it shall tend to the ruin, destruction, and abolition of our nation, and that was the nation's treasure and life into it, then I must say, that a whip and a bell, a cloak and a rope, and an axe, are but too well purchased for any such bold unadvised undertakings and commissions.

"That I may give a way, my Lord, to a full vote, and free reasoning upon this affair, which will be the last consequence unto that nature; I shall read this honourable house, that we are the successors of our noble ancestors, who founded our country, raised our laws, increased, altered, and corrected them from time to time, in the safety and convenience of the nation; did a queen, without the assistance or advice of any foreign power or parliament, and who, during the time of 8000 years, have handed them down to us in free independence, with the licence of their lives and fortunes. Shall not we then argue for that which our predecessors have purchased for us to be dear a rule, and with us such immortal honour and glory? God forbid. Shall the blood of a father unborn the language of a child yet's tongue, and shall we hold our peace, when our Father is danger? I speak to my Lord, that I may persuade away or

devoted member of this house, to speak their mind freely. There are many wise and prudent men amongst us, who think it not worth their while to squander their wealth, to be others, who are speak very well, and to good purpose, who shew themselves under the charitable risk of advice, from a love of the freedom of great well used power. These counsel, my Lord, by my expectation, the present number of speakers in the most critical affairs; and it will always prove us, while we come not to the right understanding of the work we do, which we are bound not only to gain our vote, but our shallful advice in public mind, as we should answer to God; and in our answer hang the reputation of the honourable house, and the great borough, are termed spokesmen. It has upon your lordship therefore particularly to take notice of such, whose industry makes them bound to speak. Therefore I shall leave it upon you, and conclude this point with a very memorable saying of an honest private gentleman in a pet it given, upon occasion of one state project, corrected by an able statesman, and the discourse to a great king against a powerful and most people, because of the diversity of their laws and constitutions. 'It is at this time' thus bold thy peace, resolution shall come' to the people from another place, but then 'and thy house shall perish.' I have the application in each particular article of this house.

"My Lord, I come now to consider our divisions. We are under the happy reign blessed by God of the best of queens, who has no evil design against the ruin of her subjects, who loves all her people, and is equally beloved by them again, and yet that under the happy influence of our most excellent queen there should be such divisions and factions, more dangerous and threatening to her dominion, than if we were under an arbitrary government, is most to be and unspeakable. Under an arbitrary power, all are willing to serve, because all are under a necessity to obey, whether they will or not. He chooses therefore whom he will, without respect to either parties or persons; and if he think fit to take the advice of his councils or parliament, every man speaks his mind freely, and the prince receives the full and advice of his people without the restraint of self-designs. If he prove a good prince, the government is every if bad, either death or a resolution brings a deliverance; whereas here my Lord, shall appear, as one of our country, almost protected in their freedom we now become independent, and have got meeting in councils, in parliaments, in treaties, in courts, in universities, in families, among friends, in laws and wife are not free from their political joys.

"I remain therefore, my Lord, that I enquire into the nature of these things, and upon the matters are arrived the right idea of the thing, I am afraid I shall have difficulty to make my self well understood.

"The names generally used to denote the factions, are Whigs, and Tories, or adherents either of Charles and William—yes, my lord, there have different significations, as they are applied to factions in such language; a Whig in England is a heterogeneous creature, as Scotland is so all of a piece; a Tory in England is not all of a piece, and a statesman, as I should be to your otherwise, an anti-sectarian and anti-nationalist.

"A Whig in England appears to be something like Nebuchadnezzar's image, of different metals, different climes, different principles, and different designs: yet take them altogether they are like a piece of the mixed desert of different threads, some finer, some coarser, which after all make a costly appearance, and an agreeable suit. They make a piece of legal home-made English cloth, the true sample of the nation, all in a thread; yet if we look narrowly into it, we shall perceive diversity of colour, which, according to the various uses, times and persons, make various appearances: sometimes Tory is like the reason in its fall, as appeared in the affair of the bill of Dissolution of Conformity; upon other occasions it appears to be sense, a stand, and as if it were supported by a greater body, as it did in the design of calling over the illiterate pretence Stephen Hovenden by the name of his design and his conduct, Whig as he was here.

"Whig as Scotland is, as the late Presbyterian, who, without considering time or power, will venture their all for the link, but something less for the state. The greater difficulty is, how to denude a stout Tory of old when I know them first, Tory was an honest-hearted comradish fellow, who provided he was maintained and protected in his business, order and dignity by the state, he was the last man who had the government and management of the church: but now what he is no longer Divine again as before, and the church, and, by consequence, relative comes to depend upon Episcopal authority, I profess I know not what to make of him; only that I am very far from, that he endeavours to do by oppression, that which his brother in England endeavours by a more prudent and less ungodly method.

"Now, my lord, from their diversity, there has got up a kind of antipathy, something like the famous transients in Rome; they are a kind of ambulation and progressive sickness, who, finding their power and strength going, and sensible to their decay, will make bargains with our syncretic surgeons; they will surrender feebly, but upon their own terms, they must have their own instruments, their own weapons: the men must be turned out, and their own put in, and then there will come for the most glorious queen in Europe.

"Where will this end, my lord? Is not her majesty in danger by such a method? Is not the monarchy in danger? Is not the nation's peace and tranquillity in danger? Will a

change of parties make the nation more happy? No, my lord, the seed is sown, that is all we afford us a perpetual increase, it's not an annual herb, it's a tree deep root, it's not cut down; and if not timely prevented by his majesty's royal endeavours, will split the old oak stand in two.

"My lord, I think, considering our present circumstances in the war, the Almighty God has reserved the great work for us. We may brave the hydra of division, and crush the cockatrice's egg. Our neighbour is England, we are not divided for any such thing; they are not under the reflecting hand of Providence, as we are; their circumstances are great and glorious, their treasures are greatly managed, both within and abroad, their government brave and valiant, their armies successful and victorious, their trophies and laurels memorable and surprising, their councils solid and matured, their money both borrowed and lent, ships reflected, marshals admitted into provinces, promises and king down in the courts of their enemies, their navy runs in the streets of Europe, their trade and commerce extended through the universe, exceeding us, which is hard to be said, and rendering them an insupportable expense for the whole world, and which is the mark, and which is the cause that all the things; the subject-people following their fortune upon their streets, and as we all, the satisfaction, the water is clear, and without which all the glorious success I I proved shortly, these were wars are not without warlike nobleness and more, that they were not only all their demands, through it, never to get a dissent. Upon these two positions, my lord, how hard and difficult a thing will it prove to persuade our noble, generous, self-denial, tell.

"The great of these nations, my lord, we are on the one or the other, then, if we are of better strength, we shall be a more certain of the world, a more certain, and without allusion; our past arms and resources, so that I profess I don't think we are put in the English words the English war, and that of long continuance is a long continuation of a foreign force, and that we are in a more continued connection, and that we are under the care of the masters were masterable. What leaders are then, my lord, to lay under our dominion, to come offensively and offensively together in our present circumstances, with our all our stake? Humble, my lord, is at our feet, Humble is come within our arms, Humble is come the length of the table, he is at the foot of the throne, he will draw his throne; if we take anywhere, he'll wear upon these Hapsburg, he'll take them as our spolia opima, and a step in out of the house, never to return again.

"For the love of God then, my lord, for the safety and welfare of our ancient England, a hour and certain more, I beg, we shall yet submit into propriety and happiness: we want no nation, if we desire God blessed the

power making; we must another case, nor utility of all manner of things necessary, to make a nation happy, all depends upon our government, *“Concordia res parva creantur”* I cannot close articles, though they were as light as air, than they are of weight, carefully digest one another, and that, according to our private, typical, or figurative, and bringing the laws to come. For my part, is the right of God, and in the province of the honorable house, I heartily desire they were, and hope, that they may do the most to us, and I do most heartily propose, that his grace my lord commissioner may appoint an agent, in order a here-boat for this honorable house, that we may lay aside all self-dignity, and, after our facts and resolutions, may have a day of rejoicing and thankfulness, may eat our meat with gladness, and our bread with a merry heart; then shall we at each man make his own sign, and the voice of the north shall be heard in our land, a land famous for constancy and fidelity.

“My lord, I shall make a point here, and am going on further in my discourse, till I see farther, if his grace, my lord commissioner, receive any humble proposals for removing misunderstandings among us, and putting an end to our first divisions; upon which, I have no other design, and I am content to lay the flower upon my bearded brows.”

(His answer.)

“My lord chancellor, I am sorry that I must pursue the line of an airy and melancholy story; whatsoever, I am almost sure prove as affecting as that I have said: I shall therefore consider the matters which have engaged the two houses to enter upon a Treaty of Union at this time. In general, my lord, I think both of them had in their view to better themselves by the Treaty; but, before I enter upon the particular motives of each nation, I must inform that the honorable house, that, since I was remember, the two nations have altered their sentiments upon that offer, even almost to direct-right contradiction, thus have changed hands; and, as we say, for England, all of late, never thought it worth their pains of treating without; the good bargain they made at the beginning they resolve to keep, and that which we call an incorporating Union, was not so much in our thoughts. The last reason they seemed to take in us, even in our offer of Union, when they had most effectually broke off that design, as a matter very well known to the world, and necessary to be preserved here; they kept themselves quiet during the time of our complacency upon that head. In which time our coverage, to satisfy the nation and all of their fears, did endeavor to give us some good laws, and amongst others that of general pardon, but England having declared their satisfaction, and expressed their content, without ever taking notice of us, our previous coverage upon that, was generally abused to a very rapid ascent in our act of security, so that it proved and put upon the disposal of her

majesty, and the loss of her body, and to give us a hedge to all our stored and laid treasure, by declaring it high treason to contravene the substance of them, as they were then established. There upon did follow the threatening and menacing laws against us by the parliament of England, and the unjust and unequal character of what her majesty had so generously recommended to us our former. Now, my lord, whether the desire they had to have us regarded in the same manner with them, or whether they feared us, like a free and independent people, breathing after more liberty than what formerly was looked after, or whether they were afraid of our act of security, in case at her majesty's decree: which of all these motives has induced them to a treaty, I leave it to themselves. The lastest say only, they have made a good bargain that time also.

“For the particular motives that induced us, I think they are obvious to his honors: we found, by sad experience, that every man both advanced in power and riches, as they have done in trade, and at the same time considering, that marching through the world, shows are bound to be rich, though they should be attended with chains of gold; we therefore changed our notion of an incorporating Union, to that of a federal one; and, being resolved to take this opportunity to make demands upon them, before we enter into the treaty, we were content to express her majesty no authority and apparent consentment to treat with the incorporation of England, with as simple power, as the lords commissioners from England had from their constituents, that we might not appear to have less confidence in her majesty, nor more narrow jealousy in our act, than our neighbors of England; and thereupon last parliament, after her majesty's gracious leave was read, desiring us to declare the intention in the first place, and afterwards to appoint commissioners to treat, we found it necessary to renew our former resolve, which I shall read up this honorable house:

Resolves presented by the duke of Hamilton last session of parliament.

“That this parliament will not proceed to the negotiation of a treaty, till we have had a previous Treaty with England, in relation to our commerce, and other concerns with that nation. And further it is resolved, that this parliament will proceed to make such laws as shall be thought out of government, for the restriction of our constitution, as may remove the liberty, religion, and independence of that kingdom, before they proceed to the said negotiation.”

“Now, my lord, the last session of parliament having before they would enter into any Treaty with England, by a vote of the house passed both as not for limitation, and as not for prohibition of our constitution, what marvel can less reason to doubt the design of this Treaty was only federal?”

“My lord chancellor, It remains now, that

we consider the behaviour of the lords commissioners at the opening of this Treaty. And, before I enter upon that, allow me to enter the protestation, that, if our protest, after we are all dead and gone, shall find themselves under so ill made legacies, and shall have to give away our records, and we who have laid out thousands of this money, by which they have returned so much. When they read the matter, they will certainly conclude, and say, Ah! our money has been reduced to the last extremity, at the time of this Treaty, all our great estates, all our great power and considerable arms, who were formerly in defence the rights and liberties of the nation, have been all killed and dead in the bed of honour, before ever the nation was necessary to be considered to such uses and considerable terms. Where are the names of the old nobles, of the noble families of Warrs, Hamiltons, Gordons, Campbells, Gordons, Johnstons, Humes, Murray, Kerr, &c. ? Where are the two great officers of the crown, the chamberlain and treasurer of Scotland? They have certainly all been extinguished, and now we are driven for ever.

"Whereas the English records will make their poverty reverse the memory of the honorable names, who have fought under their arms, warlike and troublesome neighbours, who had struggled so long for independence, that the best blood of their nation, and reduced a considerable part of their country, to become a natural desolate.

"I am informed, my lord, that our commissioners did not so freely tell the lords-commissioners for England, that the destruction of the people of Scotland were much altered of late, in relation to an incorporating Union, and that therefore, now, the end was to end with her majesty's lie (which God long preserve) it was got put to begin the Treaty upon the first of the Treaty of their year of that, the time when we came here under our over-rupe. But this the English commissioners would not agree to, and our commissioners, that they might not seem absolute, were willing to treat and conclude in the name but let us see how miserable have, and subjected to their destruction.

"If the lords-commissioners for England had kept us cool and quiet before, they should certainly have furnished a liberal treaty like ours, that both sides might have the choice, which of them to have gone into, so they thought fit, but they would hear of nothing but an entire and complete Union, a union which comprehends an Union, either by incorporation, annexation, or conquest, whereas our commissioners thought of nothing but a free, equal, and equalizing Union. Whether this be so, I am, I know, it is every man's pleasure, but as for myself, I am so highly obliged, it is much to me, for I take an incredible Union to be, were there is a change both in the material and formal parts of government, and the parts of people proceeded

down into one mass, it can neither be said to retain its former form or substance as it did before the nature. But now, when I consider this Treaty, as it hath been explained and spoke to, before as the three words by party, and the English constitution remaining the same, the same two houses of parliament, the same laws, our commissioners the same officers, the same trading companies, the same established laws and customs of parliament, and all our other subjects to regulations or establishments, only we have the honour to pay these old debts, and to have some few persons present, the witnesses to the validity of the deed, when they are pleased to contract more.

"Good God! What is this an entire separation?

"My lord, I had my heart so full of grief and indignation, that I need beg pardon not to finish the last part of my discourse, that I may drop a tear, as the psalmist is so sad a story.

After having sat down, and more discouraged by other members intervening, he continued his discourse thus.

"My lord chamberlain, What I am now to say, relates to the method of proceeding in this weighty affair. I have it proposed by a noble member of the other side, that we should proceed in the same order as the lords commissioners proceed in it. In my humble opinion, my lord, it is neither the natural method, nor can it be done without great confusion and repetition. To say, you'll agree to the terms of the two kingdoms, before you agree to the terms upon which they are to be united, seems like driving the plough before the oxen. The articles, which concern the conditions seem to be the grounds upon which the negotiations is referred; and, according as they are found good or bad, the success will follow. When a man is married to a woman in England, as they call it, I suppose he is intended with the thing before he determines himself to marry; and the proposal I have heard of agreeing to the first article, with a proviso, That if the rest of the articles shall be found satisfactory, and no otherwise, is of a piece with the rest, and looks like having the ox, and no more movement with fur and spade draughts. Besides, my lord, if we were to go upon the first article; are not all the rest of the articles, besides as my others not contained in the articles, what arguments either pro or con, against establishing or not establishing the first article? And as soon as this house can have a man from making use of what arguments he thinks fit. Moreover, the speeches, the records and the answers the states-locks, comparing the list of laws, customs, taxes, moneys, of both nations one with another, may all be presently considered as one, extremely contrary to one single article, told us this, that the satisfactory clause with relation to the words of both nations, must be adjusted, but like drop a tear, we have the old, as agreeing to the new, the

state of the English companies must also be ascertained, how far we shall have liberty to decline, and what advantage we may propose to ourselves, by trading to those places where they are situated, and above all, my lord, the security of our national church, and all that's dear unto us, must be previously established to us, if practicable, before we enter into the first article.

"Therefore, my lord, though my particular speech be, though we had a cart-blanch from England, yet the delivering up of our sovereignty, goes back, with one hand, what we receive with the other, and that there can be no security without the guarantee of a distinct independence towards the parties trading. Yet, my lord, for further satisfaction in this honorable House, that every member may fully satisfy himself, I humbly propose, that, passing by the first three articles, which appear to be made of a piece, we begin the fourth article of the treaty, and as I lie extended in this, I desire it may be put to the question."

This speech, the reader may see, was pointed directly against the Union, and as the first part of it agrees against the whole, so the last against the parts, but concludes to move against the immediate proceedings.—The first speech was from a person as free as air in the matter of the Treaty, and that had been a consequence to the Treaty at London, the speeches are directly *ex post facto*, and are left thus upon record to be spoken against one another.

The time had been taken up with their length, and the House, as well as the nation, was, at this time, in an unusual ferment, so that more replies were made. Mr. Bruce, who made the first speech, stood up to answer the lord Belsmoun. But, as he had already spoken, the order of the House, viz. "That the same member could not speak twice in the same cause," was urged against his speaking, and the lord of Marchmont winding up to speak at the same time, the lord chamberlain gave place to him; who indeed made a very short thing to be so long a speech, and which caused uncommon noise laughter in the House. The end of Marchmont's speech was to this purpose, viz. "He had heard a long speech, and a very terrible one, but he was of opinion, it required a short answer, which he gave in those words, 'Should be drowned, but he' when he awoke, he found it was a dream." This answer, some said, was so satisfactory to the members, who sustained the design of that speech, as it it had been answered twice by some. After these two speeches, several members spoke for and for, but the debate, instead of the day, turned to night, that, at the desire of the House, it was adjourned to the next morning."

Reading of the Marquis of Annandale's] Motion. The first Article of the Union was upon read, and after some further debate upon it, a Motion was offered, and given in to

the House by the Marquis of Annandale, as follows:

"Whereas it evidently appears, upon the printing, publishing, and considering of the Articles of the Treaty now before this House, that various errors generally arise to this incorporating Union, in the terms now before us, as subversive of the sovereignty, fundamental constitution, and claim of right of this Kingdom, so are by law established.—And seeing it is too evident, that if any Union were agreed to in these terms by this parliament, and accepted to in the parliament of England, it would in no sort answer the peaceable and friendly ends proposed by an Union, but would, on the contrary, create such dismal dissensions and animosities amongst ourselves, and such persecutions and murders betwixt us and our neighbours, so would involve these nations in civil broils and contentions.—Therefore resolved, 'That we are willing to enter into such an Union with our neighbours of England, as shall unite us entirely, and after the most strict manner, in all their and our interests, commerce, wars, alliances, and trade, reserving to us the sovereignty and independency of the crown and monarchy, and the ancient privileges and customs of the Kingdom, and the constitution and frame of the government both of church and state, as they stand now, established by our fundamental constitution, by our Line of Right, and by the laws following thereupon. Or, resolved, that we will proceed to settle the same connections with England, upon such conditions and regulations of government within ourselves, as shall effectually secure the sovereignty and independency of this crown and Kingdom, and the inalienable liberty of the same, with the fundamental rights and constitutions of the government both of our church and state, as the same stand established by the Line of Right, and other laws and maxims of this Kingdom.'"

Duke of Athol's Protestation against the Union.] Which being read and debated, the vote was taken, against of the first article of Union or not: but before the vote, the Duke of Athol gave the following protestation:

"I John duke of Athol, protest for myself, and all others, who shall adhere to this my protestation, that an incorporating Union of the crowns of Scotland with the crown of England, and that both nations should be represented by one and the same parliament, as contained in the articles of the Treaty of Union, is contrary to the ancient, ancient, fundamental laws, and constitution of this Kingdom, it is a birth right of the press, the rights and privileges of the barons and burgesses, and our 130th par. 8. 2. 3, by which it is ordained, that none of the houses present or take upon them, to engage the dignity and authority of the three estates of parliament, or to seek or procure the intercession

of distinction of the power and authority of the said three estates under the great of freedom, and is contrary to the Charters of Rights, property, and liberty of the subjects; and the third act of her majesty's parliament 1702, by which it is declared high-treason, in any of the subjects of this kingdom, to speak or say, or publish, or cause to be printed, written, or advised speaking, or other open matter done or said or committed to the Chancery of Rights, or any Article thereof, and therefore do shew, that this my petition be inserted in the records of parliament."

First Article of the Union approved? The same day, a note was stated in these terms: "Approve of the two Articles of the Union, at the terms of the same recommended in the preceding day's discourse, viz. that of the said Assembly as Union be not adjusted by the parliament then the agreeing to, and approving of the same, shall be, of necessity, and that we immediately after the said first Article, the parliament, will proceed to an act for the recovery of the doctrine, discipline, worship and government of the church, as by law established within this kingdom," and it was agreed, upon in the terms of the above in view.

Bid for the Security of the Scottish Church
The act for the security of the church, which was under consideration of the parliament on Monday, was then read.

“ Our sovereign lady and the august parliament thinking, that in the late act of parliament, for a treaty with London for an Union of both kingdoms it was provided that the commonwealth should not treat of, or concerning any alteration of the worship, discipline and government in the Church of the Kingdom, as now by law established, which being being also inserted in the parliament, and it being reasonable and necessary that the true Protestant religion, as properly professed within the Kingdom, with the worship, discipline and government of the Church, should be eternally and continually secured, declare her majesty, with advice and consent of the said estate of parliament, that hereby enacted and confirm the said true Protestant religion, and the worship, discipline and government of the Church, to continue without any alteration to the people of this land, in all succeeding generations and more especially her subjects, with advice and consent aforesaid, enact, approve, and her six confirm the 24th act in the 1st part 38th and 39th entitled, An act for settling and confirming the doctrine as at first, and saving Presbyterian Church government, with the full order acts of parliament relating thereto, as provisions of the Statute in and the laws of this kingdom, containing the Clause of Right bearing date the 13th of April, 1689 And her Majesty, with advice and consent aforesaid, expressly provide and declare, that the said true Protestant religion, contained in the above-mentioned declaration of both, with the laws and orders of said government, in a

within the church, and in Presbyterian Church government and discipline, that is to say, the government of the Church by Kirk-sessions, Presbyteries, provincial synods, and general assemblies, all established by the former Act of parliament, pursuant to the Oath of Allegiance remain and continue undisturbed, and that the said former laws and government shall be the only government of the Church within the bounds of Scotland.

" And further, for the great security of the General Protestant religion, and of the worship, discipline, and government of the Church, as also established, her majesty, with advice and consent hereunto, statutes and ordains that, as of now coming, no professors, principally, bishops, ministers, or others bearing office in any university, college, or school within this Kingdom, be capable, or be admitted or allowed to continue in the exercise of the said functions, but such as shall give such acknowledgment the said government, in manner prescribed by the acts of parliament. As also, that no, or at their admission, that do, and shall acknowledge and profess, and shall subscribe to the forward confession of faith, at the consecration of these Gales, and that they will practise and conform themselves to the worship presently in use in this Church, and submit themselves to the government and discipline thereof, and ever hereafter, directly or indirectly, the persons are absurers of the same, and that for the better regulating the Professors of their loyalty, by education or gift, presentation or purchase, they may be there as aforesaid.

And having, her Majesty, such advice allowed, expressly desired and desired, that none of the subjects of the Kingdom shall be liable to, but all and every one of them for ever free of any such, suit, or interruption, unless the Kingdom, contrary to, or inconsistent with the former true Protestant Religion, and Protestant Church government, word of and discipline as above established, and that the same, within the bounds of the Church of England, shall never be imposed upon, or required of them in any sort. And lastly, that since the increase of her protestant religion, God being preserver of the sovereigns according to law is the legal government of the Kingdom, shall in all time coming, as his or her majesty in the crown, assent and subscribe, that they shall maintain and preserve the former settlement of the true Protestant religion, with the government, word of and discipline of the Church as above established, inviolably. And it is hereby enacted and ordered, that the act of parliament, with the establishment therein contained, shall be held and observed, in all time coming, as a fundamental and essential condition of any Treaty, or Union, to be concluded between the two Kingdoms, notwithstanding any such threat or depreciation therein to be used hereafter. And also, that the act of parliament, with such and therein contained, shall be inserted and reported, in any act of Parliament, or other shall contain any such threat and

cluding the English Treaty, an Union later at the two Kingdoms, and that the same shall be thence expressly declared, to be a confirmation and renewed condition of the said Treaty of Union and Union certain."

Factor's consideration of the Act for the Secularity of the Kirk.) Now, then, the particulars proposed by the various commissioners of the Act for Secularity of the Kirk, were, that laymen, and the lairds whose tenants being upon it, it was agreed, that 'all men should be added in these terms: 'and then they shall be ruled by an jury, male or female, and so receive any goods or gift, and so have committed, or place of trial, from, and under the sovereignty, within any part of Great Britain.' And when debate thereon, it was put to the vote, yea or nay, and it was carried yea, and the clause, as it stood, agreed to. And then the third clause of the act was read; and being amended, was agreed to. Whereupon the whole act was again read, so also the representations of the commissioners of the general assembly; and a vote taken, approve of the act or not, but before voting, the lord Belfour rose up in a protestation in these words: 'That he did protest in his own, and in name of all those that should adhere to him, that there was no real security to the church, in case of an incorporating Union; and that the church could have no real and solid security by any manner of Union, by which the Union of Rights was changed, our parliament incorporated, and our distinct sovereignty and independency utterly abolished;' which being said, he took sacraments thereon, and adhered thereunto.

Then the vote was put, Approve or not, and it was carried Approve- and it was carried, so the 14th, that the second Article of the Union should have the preference, and be considered before any of those relating to Trade, War, &c. But notice should have been taken before, that when on the 11th the clause was offered by my Lord Belhaven, for exempting Scots men from the commercial test (through all the dominions of Britain, those who were against the clause said it was a thing out of their power, and not reasonable to suppose that England would grant. To which it was replied by those of the other side, that the design of the Union was equality, but this was the greatest inequality imaginable: for the English were free to possess places in Scotland without any such imposition, but they were excluded from places in England without making the usual Test, and that though the English thought no Test a good security for their Church, it was not reasonable that the being a part of the same united Kingdom, and obliged to contribute to the support of the government there, should cause one be excluded from the privilege in any part of the united Kingdom. However, the clause was rejected not by 56 yeas, but then the other clause being proposed, the vote for the necessity of the Church passed by a great majority, many of the opposi-

live not thinking themselves concerned to vote in the matter. The duke of Blankens, the duke of Ahol, marquis of Anandale, each of Lord, Marquis, Viscount, and others adhered to the last Falkland's protestation, that the act was not adhered to, and in the church.

The representation of the membership of various districts, representing the interests of property, profits, etc., and causing the cost ratio to be increased, and that the maximum in the system might be established in the government; but, was not and related to the maximum for calculating the equivalent, and the maximum in the system.

The second Article read. Then the second Article was again read, and it was moved, That the parliament should proceed to settle the transaction upon England and Lancaster, in the terms of the resolutions mentioned in the minutes the 4th instant, and act in the terms of the second Article of the Union. Moved also to address her majesty, and to lay before her the resolution of the nation, and the petition in many persons to an incorporating Petition, and to represent her majesty of their willingness to settle the Succession in the protestant line, upon limitations; and in order thereunto, that some rents be granted. And after some debate on these motions, a vote was proposed, Approve the second Article of Union in the terms of the perambulatory motion is not; and after some further debate, there was a second vote offered, address or not. Then it was put to the vote, whether the house approved should be the state of the vote, and it passed in the affirmative.

But a house arrived, that some further arrangement should be allowed between the vote, after some debate it was agreed, that the English vote at pubertate at the second article of Union be read, and then immediately after a vote should be stated, proposed to call the vote, or delay. And accordingly the first English vote of parliament were read, and thereupon the vote was stated, proposed to call the vote for approving the second article, or delay, and it was carried general. Then the vote was put, approve the second article in the terms of the publications most common, or no.

Earl Marshal's Prayer [about the second Article of the Union]. His Lordship, the Earl Marshal gave in the following Prayer, which he did present to the House, and all the members should adhere to the Protestants, "That no person can be designated successor to the crown of this realm, after the decease of her majesty (whose God long preserve) and take possession of her body, who is sovereign in the crown of England, in this that in that present or future parliament, or any other session of it or any other parliament, during his or her reign, there be introduction of government settled and enacted, or any other law, statute and sovereignty of this crown and Kingdom, the Kingdom, freemen and power of parliament, the officers, liberties and lands of

the saying goes. English or any foreign influence, which, long since, he took instruments thence."

[The Second Article carried.] And it was agreed, that the list of the members shall be printed as they vote, Approve or not, and they also adhere to the Proposition should be printed. Thus: This vote was *pass'd* *approved* *no* and it was carried *negative*.

Lord Balfour's Speech (March). Upon the occasion, the Lord Balfour spoke thus:

" My Lord Chancellor, Your lordship will remember the last day, when we had under consideration, whether it should be placed in the fourth or second article, that I did witness my country and majesty, in kind to bring his honorable and worthy members at that house to forward to finish the demands of England in this Treaty, without transgression of any one article that could be properly said to relate to the demands of Scotland—Now that we are arrived upon the second article, I desire to be resolved in one question; what are the reasons that should engage us to take England's satisfaction upon their own terms? and not strange that no answer should be given to this question, even that, when you come to consider the rest of the articles, you shall be satisfied on that demand. This is a new way of arguing, my lord, a method without precedent, reversing nature, and looks more like design than for seeking. I profess I think the high and prodigious oath that we have had of late, have rather diverted you, or forced out another channel for reasoning, than what was formerly; by what I can see by this new method, the agreeing to the first article shall be found a sufficient reason why we should agree to the second, and the agreeing to the second for the third, and so for all—if there was ever such a false oath, if ever nature was black-traced, this is the one—compels all the treaties since the beginning of the world to this day, and if you can find any one precedent, I shall yield the cause—I shall instance, my lord, one for all, and that is, the first and worst treaty that ever was on as false for mankind, and yet, I am sorry to say it, there appears more equity in it than in our procedure. When the emperor did desire our mother King, he proposed three advantages before he presented to deliver her to eat the forbidden fruit: the first was taken from the apple, the second from the nut, and the third from the advantage following deception. That from the apple was enforced by a " Behead, how largely and comely a thing it will be to please to the eye! That from the nut, from a promise that it was good for nourishment, ' It is good for food.' That from the advantage, ' It will make you wise, you shall be as the gods; therefore, upon all these considerations, eat—Alas! my lord, to see the parallel of this with relation to our procedure in this Treaty—Upon the first account that our nation had of the Treaty's being finished between the two nations, people appeared all generally very well contented, as a thing that would tend to the removal

self-protection, and the sending a good message standing between the two kingdoms:—but, even as the articles of the treaty appeared in print, the very sight of them made such a change as is almost inconceivable; they were so far from being pleasant to the eye, my lord, that the nation appears to abhor them.—(This would show, my lord, that I was mistaken, as several of those who my master told me they, to have gone immediately into the streets of these particular articles, which, relating to Scotland, used to have a set, sometimes, be not so England with their ugly shape, they are better than they are honest, some taste, some make a narrow search and rapacity; they are good for nothing, the wholehearted find that a dissatisfied nation can take; you shall find the advantage, you shall find a change of condition, you shall become rich immediately; you shall be like the English, the most flourishing and the richest people of the universe—but our predecessors, my lord, hath been very far from the gentleness of the serpent, for all our arguments have run upon this last topic, not, therefore down this incorporating Union; though it please neither eye nor taste, it must, however, you must believe your physicians, and we shall consider the reasons for it afterwards—and now, my lord, that our loss be not in some small manner propitiable to that of our first parents, they thought to have been incorporated with the snake—but in place of this, they were justly expelled paradise, but their strength, not the creature, and were forced to eat their bread with the sweat of their brow.—My Lord I am sorry, I have heard a proposal made from the other side by the language of Arminius; that, in place of negotiating the second article, whereas the resolution is to be decided, as a consequence of our being united to England it was thought, we should immediately go to settle our crown upon the throne of Scotland; however, upon such conditions and limitations as are in it, it was power to make, for the security of our posterity and of ourselves.—I find that is the import of what his lordship said, by a rounder discourse, and hath told this house this house, that he should be now consequently to his former declared principles, and that that is now the only manner which can settle and secure the peace and quiet of the nation, and fix a firm security for the Protestant interest, and a perfect understanding between the two nations.—I have also heard a discourse by his grace the duke of Hamilton, showing, that ever since his grace had the honour to be a member of this honourable house, he had made it his business to serve the sovereign, and his nation faithfully and honestly without any by-ends, he said, he will undertake that before the altar of the sacrament was lifted in Scotland, he had endeavoured to promote the interest of his nation, by good heart and by the best means he was capable to get in recovering the government, and advancing the solid interest of his country, that since the altar of the sacrament came to be considered, he

would never give himself the liberty to believe, but that previous to any settlement, we ought to have had such conferences with relation to trade and commerce from England, as might remove the losses the nation hath sustained from them ever since the Union of the two crowns under one sovereign; and that therefore, to prevent all factions and party in the carrying of an affair of such importance, he had deeply felt the consequence of the lords' remonstrances to his majesty, and wishes the change had been agreeable to his design; but since an access has as hitherto for himself, says he has no reason to complain of the breach of any stipulation upon that head; that now having considered the articles of the treaty lying before us, and the final arrangements that may follow upon the finishing of an incorporating Union with England, with the general overtures in that appears by the addresses from the several shires of the kingdom, and particularly from the address of the commissioners of the general assembly, and of the royal burghs of Scotland, he finds it necessary to alter his thoughts of that matter; that he was none of those who loved to keep things loose and in confusion; he had an estate in both kingdoms, and therefore it was not to be supposed he would make use only of a Treaty to throw out the succession now true, and of the succession to drive off the treaty another time. Therefore, in present words consequent, he is content, that in that parliament, the succession be declared and settled upon the illustrious princess Sophia Eleotress of Hanover, and the heirs of her body, upon such conditions and limitations as shall be found necessary by that parliament, to secure our civil rights and liberties, the independency and sovereignty of the nation, and the Presbyterian government of the church, as it is founded upon the clause of right, and established by law, and whose privileges and settlement he resolves to support with the utmost of his power—but therefore his grace thinks himself obliged, with all humility in this present juncture of affairs, to address himself particularly to his grace my lord commissioner, and in behalf of his grace, that he would be pleased to represent her majesty with the true state of the nation, and with the perpetual needs for supplying the present wants, and making a solid peace and good understanding between her two kingdoms, and that a small reason may be granted in the mean time, till her majesty's gracious answer comes, which, with all consequences that the further pushing on of this Treaty may occasion. I think, my lord, he is materially what his grace said, though not so fully nor so well expressed—Now, my lord, it remains that I give account of myself, and of my own opinion of this affair—all who know me, my lord, know that I have been from the beginning as a resolution free; I retained my life and fortune with the first, and I have ever more acted consequently to my principle. It is true, I was never a good conqueror under any

arms, because I had a rule for my obedience, and never made obedience my rule; my reputation was never stained, and had I ever my reputation laid upon me, were when I was brought in, hand over ears, in a Scotch plot, a plot, very well known, designed to liberate the reputation of a set of people the best affected to the sovereign, and to the true interest of their nation, that very Scotland loved. What my opinion was with relation to the succession is very well known also—I looked upon limitations with another eye than some others were pleased to do; I was far from treating them as rubrics; because, in all human affairs, they are liable to alterations, and might be taken off. That argument prevails much, and consequently goes to nothing at all. Should a man refuse to have a good estate settled upon him, because he may squander it away, and become bankrupt? Must a good law be refused, because it may afterwards be repealed? No, my lord. Where the power is lodged to ourselves, we have all human security impossible for the thing; it is not so, where the power is lodged in others: therefore I shall desire those that security which depends upon myself, preferable to any other.—Thus, my lord, being confirmed me, that limitations of our own making is the best security; though I should thought them not the full of what we aimed for the going into the English succession. For considering the arguments that we have received from them, we ought to have reputation upon this amongst; and I think, without incorporating with them, they might have given us some well encouragement in our trade with them which would have been profitable unto us, and no manner of way prejudicial unto them, as I can clearly demonstrate if there be occasion for it. But since that is not the proper place nor season for such proposals, I shall go in with the proposal made by the majority of Annapolis, and divided by his grace the duke of Hamilton, because I think it is the best that we can make of it at this time, the better means to prevent civil wars, allay the ferment of the nation, and far preferable to the incorporating Union, which, as to us, so all its clauses appears to be most unreasonable.

Proceedings on the third Article. The third Article being read on the 10th, it was moved, That the agreeing to the said Article of the Treaty, in relation to the parliament of Great Britain, should not be binding, nor have any effect, unless terms and conditions of an Union of the two kingdoms, and particularly the continuation of the said parliament, be freely proposed and concluded, and so set upon in the parliament, and that the said terms and conditions be also agreed to, and ratified by an act of the parliament of England, the continuation of the parliament of Great Britain being left entire, until the parliament come upon the twenty-second article. It was moved also to proceed to the consideration of the fourth, and the arrival of Union, before the third, and when remaining it was

put in the vote, Proceed to the consideration of the third article on the terms of the said motion, as Proposed to the fourth article, and carried, Proceed to the third.

Accordingly the parliament proceeded to the consideration of the third Article, and after long debate upon it, a vote was taken. *Approve of the third Article as last amended the said motion of no.*

Mr. James of Annandale's Protest]. But before voting, the marquis of Annandale gave a Protest, and moved that the members of the meeting, as cited in the Minutes of the 18th inst., might be perfused therewith; which *Narrative and Protest* was as follows:

"Whereas it evidently appears, upon the passing and considering the articles of Treaty now before this House, this nation seems generally averse to this interpreting Union, in the manner now before us, as violative of the sovereignty, fundamental constitution, and claims of right of this kingdom, and as threatening ruin to this church as by law established; and since it is plain, that if an Union were agreed to in these terms by the parliament and accepted of by the parliament of England, it would in no sort answer the possible and friendly ends proposed by an Union, but would, on the contrary, cause such dismal dissensions and quarrels amongst ourselves, and such jealousies and animosities between us and our neighbours, as would involve this nation in a civil blood and confusion.

"Therefore I do protest for myself, and in name of those who shall adhere to this my protestation, that an interpreting Union of the crown and kingdom of Scotland, with the crown and kingdom of England, and that both covenants be represented by one and the same parliament, as contained in the articles of the Treaty of Union, and contrary to the known, ancient, fundamental laws and constitution of this kingdom, is a giving up the sovereignty, the hereditary of the peers, the rights and privileges of the crown and kingdom, and is contrary to the claims of right, property, and liberty of the subjects, and 3d act of her majesty's parliament in 1706. By which it is declared high treason in any of the subjects of this kingdom, to counsel, or endeavour by writing, speaking and advised speaking, or other open act or deed, to alter or invade the claim of right or any article thereof; and do protest, that this shall not prejudice the being of future Scotch parliaments, and conventions within the kingdom of Scotland, as at times coming.

Third article approved]. Then the Vote was put, *Approve of the third article as the terms of the motion, and carried, Approve, by 50.*

Mr. Selkirk's Speech]. During the debate on the third Article, Mr. Selkirk, junior, of Frendraught, made this speech.

"My Lord Chancellor: Having heard with much attention the third article debated, I feel at liberty, with the other articles of the

Treaty, to be put in a false or true light by the speakers to it, in proportion to those views they have of the nature of the Union; what I am to say concerning it, shall be, I conceive more objective, which, in my opinion, is the proper method in such the way of considering it.—The principal objections are, first the representation now before us being voted legally approve this article, without the assent of their constituents; and that by the approbation of it, the sovereignty and independence of this kingdom will be surrendered to England.—My task is to give a distinct and convincing answer to the first objection, in as brief a time as the nature of our constitution of government.—Our government is not a Polish aristocracy, founded on 'privileges' whereby all the people are represented in their particular meetings, to prescribe rules to their representatives as a general duty.—Our government is not a common democracy, whereby every subject of Scotland may claim a vote in the legislature. Our government is, and has been many ages past, a limited monarchy, wherein the sovereign and representatives are the only judges of every thing which does contribute to the happiness of the body politic, and from whom an appeal can legally be made; and this description is agreeable to reason, to our law, and to our history.—History teaches us, that monarchy is disapproved by mankind, and that no society of people can be well governed without a supreme power, whose proceedings are only alterable by itself. Grotius says, (lib. 1. cap. 3. sect. 7.) 'that we call the supreme power, whose acts are not subject to the power of another.—Our law is positive, that the supreme court is subject to no human authority, act 250 P. 8. J. 6; and we learn from our history, that the greatest alterations have been made in the constitution of our government, without consulting the people, out of which I hardly offer a few examples. In the reign of Kenneth 2 the monarchy first originally was elective, became hereditary; in the reign of James 5 the representation of the clergy in parliament was restored. In the reign of Charles 2 the prerogative was reduced almost to a natural level; and in the year 1688, the king was deposed, and the clergy expelled the house.—My lord, I have heard asserted, that there are fundamental laws of government which cannot be altered by the house, without the consent of every Freeman; but where were these deposited? where are they recorded? were these made by our forefathers at the first institution of their government, and have all succeeding parliaments sworn to their observance? These questions, methinks, deserve our consideration, before it be asserted what is an unworkable foundation by this house.—As to the arguments of Mr. George Mackenzie, and other members before, brought upon the stage to support the notion of fundamental laws, I think they require no particular answer, because any member who understands the nature of government very well clearly, that

these arguments are founded on Roman laws, calculated for people as members of private societies, and not for perpetual rules to the sovereign power of any nation.—My lord, I know there are no fundamental laws of government of any nation, which are not alterable by an English prince, when the necessities of ages require; and wherever is represented such liberty, may learn, that there are no people at present in Europe, which are obliged upon him not to suffer any change in government. I do, indeed, acknowledge, there are fundamental laws in nature, no not, liberty and property, which the lesser laws permit destroy, without exceeding its utmost bounds of power, that are always limited to the public good; nevertheless, this illustrious House is only capable to judge of the most proper means of securing these fundamental laws; and for my part, I sincerely believe that no judicious man will say, there is the least danger of our liberty and property by an House of parliament, when he reflects that the people of England have been in all ages the assistants of the rights of the subject, have spent much blood and treasure in defence of the liberties of their neighbours, and therefore the Union, encroachments on the rights of the subject of any part of Great Britain, must endanger the liberty of the whole.—My lord, I come now to the next objection, that by the approbation of this article, we surrender the sovereignty and independency of this kingdom.—Their words, I acknowledge, are very long, and may sound humorously in the ears of the populace; for my part, I would be very far now to have occasion to say, that in fact our sovereignty and independency were surrendered the day King James got possession of the English throne, if at the same time I could not affirm, that there are again returned to us by the Treaty, which was managed with a decorum and equality that became two independent and distinct nations, and not after such a dishonouring manner as was used by Queen Mary and the French, the 4th of April, 1564, at which day our sovereignty was indeed surrendered, as may be seen in the *Recueil de Traictés*, &c. p. 330.—But to put this question more accurately, I observe two more only whereby a free nation loses its sovereignty and independency, which are conquest, and a voluntary surrender at its highest mother country without any reservation.—I am sure no person at right judgment will alledge, that this intended Union is a conquest; and can it be called a surrender, seeing the Treaty contains honour and honour even sent to both Kingdoms, nor can I comprehend how either of two nations, by an entire Union, surrender its privileges; on the contrary, I agree with the learned Grotius (*Lib. 3. cap. 3. sect. 9.*) whose opinion is, that the rights and privileges of one distinct nation united, are considered into one, by a mutual consentment of them.—Another objection, my lord, has been moved against this article, which belongs more pro-

priety to the 3rd article, and shall concerning the transfer of the regium maiestatem from Scotland, is a parliament of Great Britain. Any objection I'll undertake to answer in such words as the nature of it will allow.—If both nations are to be represented by one parliament, there must be some sort of bond or union; but this condition must be supported by some rule, which can be no other than that recommended in the Union of all nations, which's suffrage is computed to wit, the proportion each nation is entitled for the support of the whole.—Now, the Union of Scotland and England is but the union of two great societies of people in one body's politics; so that we have nothing to desire, either as a new nation, or the transfer of the representation agreed on by the treaty on the part of Scotland, but the proposition we are able to make there for the support of the government of Great Britain, and then his respect to the members of our people, English, Scotch and Welsh, or as our ancient and progenitors became there, and these at the last, all ought being duly considered, I may be bold to state, that the representation agreed on by the commissioners for Scotland, is more than full to our share.—I need not show who have voted about the nature of persons, as the Union of both of these nations, agree to it is established.—The Grotius (*Lib. 2. c. 2. sect. 2.*) has two examples out of Strabo relating to it. One is, when Lycia united with other neighbour cities, others, it was supposed, that each of the cities was to have one voice, but Lycia two; because it contributed much more to the common benefit than any of the rest. The other example is, that there were twenty three cities in Lycia united, where I never had three voices, some two, and some but one.—My lord, by the representation of members for the whole, there is no greater hardship yet upon them, than was put upon the Welsh before in the reign of King James I. who then were of the same state with the nobility, and subjoined in the law for representation.—By the representation at last, due for the commons, no prejudice is done, to the state of Wales in respect of representation; for, if they be represented from every shire, or at least from the most considerable shires, it is of no import, whether every shire be represented by one or more, and as to the state of boroughs, I'll prove to you, that the representation of their representatives is a part of justice done to that nation, as properly as there has the rule of representation.—My lord, so far have I endeavoured to remove the misapprehensions against this article, and out of my proposal to remove the misapprehensions this Union, as to satisfy the justice due of themselves, and I wish heartily that the commons for them and English were like some confederates in a representation, which they are accomplishing the great and noble work of an Union in both Kingdoms, especially considering, that they are bound by oath to give their best advice, and privileges; that they

were chosen by themselves in a free election; that they have their freedom and estates among them; that the same liberty, property, and religion, are common to them both; and that the good or bad consequences of the Union, must equally affect representatives and constituents.*

[The Lord High Commissioner moved by a Mel.] It was late before the house rose, and the vote was made in the Lord High Commissioner; for in his return, though the horse-guards were sent to his grace's coach, and some of the foot guards followed the coach, and house guards, the duke three times took several corners, some of which fell into his coach, and the vote passed without open the coaches that they were forced to drive full speed down the stairs; and one of his grace's pages falling blind, was very ill treated by the populace. Upon which, on the 13th, the Lord Chamber requested the parliament, that the Lord High Commissioner was thanked the night before by a number of seven people with staves. The parliament resolved it in the conference for extending the equivalent, to indemnify and give reward for discovery, to serve and improve for which they requested, and to report their resolution, and their opinion what measures might be proper for putting the idea. The parliament did likewise recommend to the Lord High Commissioner, to prosecute those imprisoned for a twenty years, and that the magistrates of Edinburgh furnish what proof against them they could.

On the 13th a vote passed, That the parliament proceed to the fourth Article of Union, then the duke of Athol moved, That before this passed to the said Article, a clause be added in the third Article, That the said parliament of Great Britain should meet and sit once in three years at least, in that part of Great Britain, now called Scotland; and after debate, the consideration of it was deferred till the parliament should come to the 15th Article. Then the 14th Article of the Union was read, upon which the duke of Hamilton made a motion, that all the regulations and circumstances of the Larch trade, the privileges of their companies, &c. should be laid before the house, upon which the debate was suspended till next Wednesday.

Fourth Article agreed on.] The Fifth Article of Union was again read: whereupon it was moved, to take the several branches of trade to be comprehended, into consideration,

*—This speech was received with great applause and applause, and the arguments in it were so clear, especially as to the propriety of the representation, that it was very useful when that head came to be debated; and I cannot but suppose the reader will think his time well bestowed in reading it, as that he will see by it, whether the Union was carried by strength of reasoning, or, as some alleged, carried down their throats by mere number of votes.† DeFoe. l. 1. c. 12.

that it might thereby appear how far the convenience of trade would be advantageous to them; and after reasoning thereupon, the vote was carried, Agreeing to the 15th Article, concerning the consideration of the several branches of trade, till the parliament consent the subsequent articles, year by year, and it was moved, that the members should be adjourned, as they shall vote, approve or dissent; and that the bill of their queries, as they shall vote pro and con be recorded and printed. Then the vote was put, Agreeing or dissent, and it was carried Agreeing.

The Fifth Article.] Then the Fifth Article of the Union was read, whereupon a proposal was given for explaining and enlarging the same, in these terms, "That all ships, or vessels belonging to his majesty's subjects of Scotland, at the time of ratifying the Treaty of Union of the two kingdoms in the parliament of Scotland, though foreign built, shall be deemed and put on ships of the building of Great Britain: the owners, or where there are more owners, one or more of the owners, within twelve months after the Union, making oath, that at the time of ratifying the Treaty of Union in the parliament as aforesaid, the same did so whole or in part built, or was or then, or in some other part built, of Scotland, or by persons dwelling in the place of their residence, or in the place where they then, or at the time of ratifying the Treaty, wholly belong to him or them, or to some other person, or persons, as aforesaid, directly or indirectly, or in part or interest thereof."

Which being read, it was moved, that six months more time should be added to be considered, by the proposal, for purchasing ships or vessels. And after some reasoning upon it, the further consideration thereof was deferred till next sitting, which was on the 18th, when the Fifth Article of Union was again read, with the proposal for amending, explaining, and enlarging the same, in these words, "That all ships or vessels belonging to his majesty's subjects of Scotland, at the time of ratifying the Treaty of Union of the two kingdoms in the parliament of Scotland, though foreign built, shall be deemed and put on ships of the building of Great Britain: the owners, or where there are more owners, one or more of the owners, within twelve months after the first day of May next, making oath, that at the time of ratifying the Treaty of Union in the parliament of Scotland, the same did so all or in part belong to him or them, or to some other subject or subjects of Scotland, to be particularly named, in the place of their respective abodes; and that the same doth then, at the time of the said deposition, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any share, part, or interest therein."

And after some reasoning thereon, there was a second proposal given in for amending the Article, in these terms, by the Lord Bishop of Exeter, "That all ships and vessels belong-

ing to her majesty's subjects of Scotland, as the result of ratifying the Treaty of the Union of the two Kingdoms, in the parliament of both kingdoms, shall, &c.' And after some debate, the vote was taken, Approve of the first paragraph of the Vth Article, with the first amendment or second: and it was carried, Approve, with the first amendment.

Thereafter, the remainder of the said Vth Article of Union was read, and a proposal given by his grace the duke of Hamilton, for adding a clause to those terms: 'That for the space of seven years, from and after the ratifying the Treaty of Union in both kingdoms, it is expressly agreed, that none of the vessels or masters, on board any of the ships belonging to the subjects of that part of united Britain now called Scotland, shall enter at home or abroad be pressed from on board those said ships, to serve in any of her majesty's ships of war, or frigates, and in case, after the said seven years, it shall happen that there be a loss of vessels in united Britain, that part now called Scotland shall only be furnished with such a proportion as war's own bear in proportion to that part of united Britain now called England, but without prejudice to the officers of her majesty's ships of war, in engaging as many volunteer seamen in those vessels as they can agree with, in that part of united Britain, and this Article to be as desirable for our subsequent Scotch parliament.' Which being read, after some reasoning thereupon, it was put to the vote, Add the second clause, as said; and it was carried No. Thereafter, the remainder of the said Vth Article being again read, the vote was put, Approve thereof or not, and it was carried Approve. Then the Lord Chancellor, by order of her majesty's High Commissioners, adjourned the parliament till Tuesday next at ten o'clock.

The third Article.] On the 22th the Vth Article of Union was read; and it was moved, 'That there should be a clause laid before the Parliament of the whole branches of their trade, as to export and import,' and after some further debate, a proposal was given, viz. 'That the Article should be approved, except in as far as it should be modified by the parliament, in the consideration of the subsequent Articles.' As also another proposal was given, 'That among by the loss of England there were several gains upon exportation of several kinds of grain, whereas rate was not specified, that after the Union when rate should be at 18s. per quarter, or under, there should be paid 1s. 6d. for every quarter of oat meal, exported in the term of the law, whereby the terms were granted for exportation of the grain; and in respect there was a duty upon oat meal exported to England, but no duties upon oat meal, the suppling of which was a prejudice and discouragement to a large therefore, that from and after the Union, the quarter of Oat meal should be deemed equal to three quarters of oats, and pay duty accordingly when imported to Scotland from any

place whatsoever from beyond the sea.' Which being all read, after reasoning, it was moved, 'That the observations, in relation to the balance of trade, should be laid before the parliament, as made by the council of trade.' And after debate thereon, the further consideration was delayed till the next sitting, and it was ordered, 'That the observations made by the council of trade, be laid before the parliament.'

During the debate on the Vth Article, which brings them under the same customs with England, it was argued by some members, 'That it was hard to enter upon such a general, and they understood the several branches of their trade, and how they agreed with the expectations of England.' This point was argued by the duke of Hamilton, marquis of Annandale, &c. Thereupon it moved, 'That in the Treaty of 1706 they were allowed to be under their own regulations, and to have a book of rates set themselves, upon which none of the members thought it hard they should not be altered the same now. And it being also moved, that the committee of parliament, appointed for a council of trade, last session, had prepared an account of the several branches of their trade; and where the balance lay,' it was ordered, That this report should be laid before the House.

On the 23th the Vth Article of Union was again read, and a proposal given in for adding the word (Draw-back) to both clauses of the said Article; which was agreed to.

And the said Article also amended was again read, as also the proposal mentioned in the last meeting in relation to oats and amended; with the addition of a further clause, in those terms: 'And that the loss of Scotland should have the like rewards and draw-backs as loss.' And it was likewise moved, 'That another clause should be added, allowing the like drawback on the exportation of oat meal, as it allowed on the exportation of rice in England.' And after debate it was agreed, that the Vth Article, with the proposal, be amended, should be committed to a Committee.

Then was a House offered to be added to the said Vth Article, thus: 'That hereafter, being seven of ——— years after the first day of May, next, shall be free from, and no ways subject to the prohibition and restraints made against exporting of wool shorn with wool upon them, and woads pure, which be the cattle of the seller and buyer shall be made appear to be the proper growth and product of Scotland, and upon no less the same, which shall as a rule be comprehended under any of the laws already made in England, so as to be made during the space affected.'

As also a clause then: 'Reserving and reserving the duties upon export and import of such particular commodities, from which the subjects of either kingdom are specially exempted by their former rights, which after the Union, are to remain safe and secure to them in all respects.'

And another clause then, ' That after the Union all the • of Scotland, or any kind of cloth made of that or long, be exported out of the shair, lay, dose free of all customs or other expences whatsoever.'

And another then, ' That before the Union, we may now have, such drawback, as agreed, as is expressed in an Export Duty, paid on hawer, in our Great Britain, and other foreign parts, which will be an considerable branch of our trade and the Union.'

And another clause then, ' First from and after the Union, all shawls or heavy talls, or other cloths, as well as black cloth, or any other kind of drapery, when carried into England, or product in England when carried into Scotland, payable either in the public or private persons, shall be all time coming be sold and sold.'

And another clause in their writs, ' That from and after the Union, the Legions of Scotland shall have liberty for ever to manufecture shawls, figners, galloway, veltins, serge, stockings, and all sorts of linnen, as they have been in use to do, conform to the regulations contained in their own laws, and to export the same to England, or the Lowlands and plantations themselves belonging, or to any other place beyond seas, free of any duty or imposition whatsoever, but in case any of the subjects of that part of United Britain, now called Scotland, shall export any other sort of woaden manufecture than what is above mentioned, they are to be liable to the regulations and taxes of England, imposed before the Union, or to be imposed by the British parliament after the Union ' all which were referred to the Committee for examining the calculation of the equivalent.

The Seventh Article.] Then the VIIIth Article of Union was read, and being debated on the 29th a proposal was made for an explanation or addition then, ' That the 34 gallons English brand of beer or ale, answering to 12 gallons Scots, should be more sold in Scotland by the brewer or to the retail including all duties, and retailed including duties; and the profit of the per Scots pint, or eighth part of the Scots barrel, be not, after the Union, liable, on account of the present or cases upon excisable liquors in England, to any higher imposition than two shillings sterling upon the 34 gallons English barrel, being 12 gallons the present Scots measure.

And another clause being likewise offered then, ' And it is hereby specially provided, that the twopenny ale and beer of Scotland, shall be only charged with the same duties as the small beer in England.

After some debate, the vote was stated, ' Approve of the VIIIth Article, as to the export of ale and beer, with the explanation as contained in the last or last clause above-mentioned.' And carried for the first.

On the 31st it was moved, that the observations made by the council of trade, in relation to the export and import of tobacco and li-

cence of our trade, should be laid before the Committee to whom the sixth Article of the Union was referred, and the same was accordingly ordered. In this the clerk of the said council of trade, were ordered to wait in the said committee, all observations, papers and records relating thereto.

After the debate, the complaint of by the Lord Chancellor, that the Lord Chancellor, who represented the petitioners, that the meeting of the law society, and under that circumstance, several petitions of irregular and extraordinary meetings, by some people of the counties and in most shires, in arms, and of almost consumed by them at Glasgow, Kilmarnock, and Dundee, and several places of Lowland; and that these were papers, debts, meeting people to take up arms, and to provide ammunition and provisions, in order to their marching to attack the parliament. All which he was directed by the court, caused to lay before the parliament, to the effect proper methods might be resolved upon, for procuring the end consequences of such persons after which he presented a paper from the magistrates of Dundee to her majesty's obedience, bearing an account of the above and extraordinary meetings in that place, with a declaration entered by those who met, which was filed on the market cross of Dundee, and both were read.

Whereupon a draught of a proclamation, or be granted by the parliament against all tumultuary and irregular meetings, and convocation of the people, was presented and read. And after some discourse thereupon, it being objected, that it did not appear that there was a particular reference of any tumultuary meetings, or irregular convocations in any other part of the shire of Lowland, than at Glasgow, her majesty's High Commissioner thereupon was pleased to signify to them, that he had information not only from Glasgow and Dundee, but also from several places in Lowland, of tumultuary and irregular meetings of men with arms, and of their giving out and publishing their design of marching to attack the parliament.

The proclamation being approved of, the draught of an Act extending the effect of that clause in the Act of Security, for arming and exercising the British men, put in the second session of the parliament, and that during the session of parliament already, was read and put on the 31st, and the same, and the proclamation recommended before, were ordered to be forthwith published and printed.

Then the VIIIth Article of Union was again read, and after some reasoning upon that part thereof, not formerly approved, it was put to vote, Approve of the rest of the VIIIth Article, or not, and carried Approve.

A paper was then given in, entitled, ' An account of the burning of the Articles of Union at Dundee,' bearing the declaration read and signed at the market cross thereof, by the twelve burgesses on that occasion; and a long

moved, that enquiry be made, who had been the printer and manager of the said worthless paper, and that the price be borne by the heads of the language. It was resolved in the committee, to whom the Fifth Article of Union was referred, to call for the signatures of Edinburgh, and to take trials of make and sell, and the printer and manager of the said paper. They returned also, that the said worthless paper should be burnt by the common language.

The Fifth Article being read, on the 21st of December the report was brought in from the committee, recommending the consideration of the Parliament, being as follows:

The committee of parliament, to whom the considering of that *Act* of the Parliament was committed, having considered the report made to them by Dr. James Gairdner, professor of the mathematics in the college of Edinburgh, and the report made by Dr. Thomas Bower, professor of the mathematics in the college of Aberdeen, of their several and respective examinations of the said articles and grounds thereof, whereupon the committee, in giving the Article for consideration the report is here mentioned in the Article, say at large, and the resolution is every, and will be made in the terms, and as is more expressed in the said Article. Whereupon it is proposed to delay the consideration of the said Fifth Article until reports be brought in, in relation to the Fifth and Sixth Articles from the committee, to whom they are referred to be read.

And after debate upon it, it was agreed, that the proceeds of the Fifth Article shall not be made to be any determination of the Fifth or Sixth Article if it were committed; but that the committee and you give the Fifth or Sixth Article, shall be made.

There was a vote, was offered in these terms, Approve of the first paragraph of the Fifth Article, as it is.

But it being moved, That the parliament do consider, whether they should be concerned in the payment of the English debts. A second vote was thereupon offered, Whether they should engage in the payment of the debts of England, yes or no.

And the second resolution is, it was put to the vote, that the two-headed brethren be the vote, but it was refused.

Lord Balthasar's Protest against being concerned in the English Debts. And the Lord Balthasar gave in a Protest as follows:—“I do protest in my own name, and in the name of all those who shall be in with me present, that the saying and agreeing to the first clause of the Fifth Article of the Treaty of Union does not imply, either a manner of consent or agreement, that Scotland should be liable to the English debts as goods. But that it may be limited to that agreement, as being of the said debt and debts debts.” And he took certain oaths as a witness, and declared the same.

Then the vote was put down as follows, and it was carried Thus. The matter it was put to the vote, Approve of the first paragraph of

of the Fifth Article or not, and carried Approve.

The Sixth Article passed. The Sixth Article admitted of many debates, but was at last, on the 20th, passed with several additions, enlargements and explanations, but before, on the 22nd, the parliament adjourned. That a serious protest, entitled, *Queries to the Frenchmen noblemen, barons, bishops, university and universities in Scotland, who are for the advance of a corresponding Union with England, according to the Articles agreed upon by the commissioners of both nations, be borne by the heads of the common language at the market town of Edinburgh, to-wit, between eleven and twelve of the clock, and the magistrates of Edinburgh appeared to see the same personally done.* And resolved in the committee of parliament, to whom the Fifth and Sixth Articles of Union were referred, to make enquiry near the printer, maker, and manager of the said worthless paper.

And on the 21st a serious protest, touching the dependence of the crown and kingdom of Scotland upon that of England, was brought in, and several paragraphs thereof being read, Ordered, That it be burnt by the heads of the common language, at the market cross of Edinburgh next morning.—The Sixth Article of the Treaty laid up the parliament's time from the 17th to the 22nd, when it was opened with the several alterations, additions and enlargements made unto it, they went through the Fifth Article on the 23rd, and passed it.

The Fifth and Sixth Articles were approved of on the 20th; then the Seventh Article was read, and a motion was made for making an additional clause to it, as these words, ‘And that in making any such laws, statutes or ordinances, had to be certain to be presented to that parliament by the heads of persons of blood.’ And after further reasoning, an address was given to for adding another clause in these terms, ‘that all Scotchmen be sworn; and from the English monarchs they, not only in Scotland, but in all places of the United Kingdom and dominions thereto belonging; and that they be declared capable of offices throughout the whole, without being obliged to take the oath.’ And after debate, it being moved, ‘that it was not now content to add the said clause in relation to the ceremonial test, in respect of the vote of parliament of the 17th of November last, against adding the like clause.’ And after further discourse thereon, it was agreed, ‘That the same should be put to the vote, and that the members votes be recorded and the list of these votes, as they should vote, be printed and recorded, as usual.’

Then the vote was put, Whether it was agreeable with the clause, or not? And it carried, Not, and so it was approved of.

The Scotch parliament, on the 21st of January, passed an Act for adjusting the money or coin and mints longer; and then passed on the 22nd the Article, of the first of which

they agreed with a stipulation, that the lords of the session should, for the future, be taken from among the advocates and writers to the agent (which was carried by thirteen votes only) and none to be deemed capable, that had not possessed the law at least five years for the future.

The next day, a motion was made for an additional clause, in relation to the qualifications of writers, viz. 'With this proviso, that no writer to the agent be capable to be admitted lord of the session, unless he undergo a private and public trial in the civil law before the majority of advocates, and be found by three qualified for the above-said office, two years before they shall be named to be a lord of the session. After reasoning, the vote was stated, *Ad id ne sit*: but before voting, it was moved, that the qualification made, or to be made for representing persons to be named ordinary lords of the session, shall be allowable by the parliament of Great Britain; and after debate, it was put to the vote, and carried *Allowable, by duty*. Then the vote was put, to add the clause about the qualifications of writers, and it was carried, *Ad id*. The other clauses of the XXIII Article being read, and debated, the whole, as amended, was approved.

The act was again in private sitting for which, the lord chancery, by order of the high commission, requested the house, that two other days should be appointed to this use.

On the 8th, the XXIII Article, with the addition of the word *Superintendents*, and the 11th, without any amendment, were approved; and the next day the XXIII Article was read; and afterwards, the first paragraph in relation to the number of representatives for Scotland in the parliament of Great Britain, was read over again. After a long debate a Vote was stated, *Approve of the first paragraph of the said Article as not*, but before voting it was agreed, that the names of the members in they voted should be printed and recorded; and George Lockhart of Carnwath, duke of Athol, earl of Buchan, earl of Leven, earl of Mansfield, and Walter Stewart, for the town of Leithgow, gave in a general Protest, and took instruments thereof separately. Then the vote was put, *Approve of the first paragraph of the XXIII Article, as not*, and it was carried, *Approve, by forty*. The second paragraph of the said Article, about the calling the representatives from Scotland to the parliament of Great Britain, beginning thus, 'And that when her Majesty, &c.' and ending thus, 'That the names of the persons so summoned, and elected, shall be returned by the privy council of Scotland, and the court from whence the said writ did issue,' was again read; and after some debate, an amendment was offered to be added, after these words, (according to the agreement in the Treaty) viz. 'In such manner, as by a subsequent parliament or, of the present session of the parliament of Scotland, shall be settled, which is hereby declared to be also voted, on 23rd of Feb, and

'engrossed in the Treaty,' and after further reasoning, it was moved, that the way and manner of choosing the representatives for Scotland, to the parliament of Great Britain, should be determined, and that a clause to that purpose be engrossed in the Article. After debate the vote was stated, *Approve of the second paragraph of the XXIII Article, as amended by the above additional clause, as or not*; whereupon a being moved, to delay the said vote till next sitting of parliament, a previous vote was stated, *Proteret, or delay*; and it was carried, *Proteret*. Then it was put to the vote, *Approve of the said second paragraph of the XXIII Article, with the amendment in the additional clause above inserted, or not*. The clause with the amendments being again read, the earl of Albemarle gave in a Protest, and took instruments thereupon. At last, the vote was put, *Approve or not*, and it was carried, *Approve*.

On the 10th it was moved, that the four propositions in the House sitting by the duke of Arrol, earl of Buchan, George Lockhart of Carnwath, and Walter Stewart, might not to be inserted in the minutes, nor printed, and after some reasoning the earl of Marchmont gave in a protestation against the said four Protests, took instruments thereupon, and the lord chancery, the masters of Chancery president of the council, the duke of Argyll, the marquess of Tweeddale and Leithen, and most of the well-affected to the Union, suffered thereon. The next day the lord Bathurst gave in a Protestation against that of the earl of Marchmont, took instruments thereupon, and the duke of Hamilton and his party adhered to the same. After some further debate it was agreed, that none of the said protests should be inserted at length, in the minutes, or printed; but that they should be all inserted in the records of parliament.

Then the third paragraph of the XXIII Article, beginning, viz. 'And that a her majesty, or, or before the first day of May next,' &c. and ending thus, viz. 'And that the parliament may continue for such time only, as the present parliament of England might have continued, if the Union of the two kingdoms had not been made, unless sooner dissolved by her majesty,' was read; and after reasoning thereon, it was moved, to add the following clause, viz. 'And that the next parliament of Great Britain shall meet, and sit, once in three years, at least, in that part of Great Britain now called Scotland. After further debate, there were two votes of the vote offered, the first, *Approve of the third paragraph of the XXIII Article as not*; and the second, *Ad id above clause or not*, and the vote being put, first or second, it was carried *First*. Afterwards the vote was put, *Approve of the third paragraph of the said Article, as not*, and it was carried, *Approve*. Then the rest of the said Article was read, and after some reasoning, and reading of the article in which it related, an overture was given in for an additional clause, for explaining the word

chartes, capitul and record of state, records of parliament, and all other records, rolls and registers whatsoever, both public and private, general and particular, and warrants thereto, continue to be kept, as they are, in that part of the united kingdom, now called Scotland, and that they shall so remain in future coming, notwithstanding the Union. Where being read, the same was agreed to be added, and was accordingly read over, and the Article, as amended, read over. Then the vote was put, Approve of the said XXVth Article, as amended, or No; and it was carried Approve. The XXVth Article of Union being read; after reading thereof, the vote was put, Approve of the XXVth Article, or No; and it was carried Approve.

[*Act of Ratification read*] Next day the draught of an Act, ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England, was given, and all orders being read, whereupon it was moved, that the parliament should first proceed, to the consideration of the manner of electing the representatives for Scotland to the parliament of Great Britain, and either now to determine that matter, or to appoint a day for the next. Answered, debate the vote was stored; 'Proceed to the Ratification of the Treaty of Union, and Act for Security of the Protestant religion, and Presbyterian church government, as to the constitution of the manner of electing the representatives for Scotland to the parliament of Great Britain.' but before voting, it was agreed, that in case it should be carried to proceed to the Ratification, the parliament would immediately, after passing the Act of Ratification, proceed to the consideration of the manner of electing the representatives for Scotland. Then the vote was put, Passed to the Ratification or Constitution, and it was carried Ratification, after which the draught of the Act, ratifying, approving, and enlarging, explaining and amending, and the Act for Security of the Protestant Religion, and Presbyterian Church government was read, and after some discourse, a long reading finished thereof.

[*Act for Security of the Presbyterian Church Government passed*] On the 22th, the said Act was read a second time, and also the Act for Security of the Protestant Religion, and Presbyterian Church government, read over, and ratified by that Act, was touched with the royal scepter, by the Lord High Commissioner.

[*Representation, &c. of the Church of Scotland*] Immediately after this, the following Representation and Petition were presented to the House

The Representation and Petition of the Commission of the General Assembly of the New and Church of Scotland, was presented to the House—

" Humbly shewing; That in considering the same reported by us by the late General As-

sembly, had it our duty to lay before your grace and lordships, when, as we are informed, you are about the passing of an Act of Ratification of the Articles of the Treaty of Union between the two Kingdoms of Scotland and England, which contains the following words: Declaring nevertheless, that the parliament of England may provide for the Security of the Church of England, as they shall think expedient, to take place within the bounds of the said kingdom of England, and not deriving from the security above provided, for establishing the Church of Scotland within the bounds of that kingdom, which shall not suspend or derogate from the force and effect of the present ratification, but shall be understood to have included, without any necessity of any new ratification in the parliament of Scotland; which clause seems to us, not only to be a libel, put, with your grace and lordship's consent, in the hands of the parliament of England, but also, which it there shall think fit, for assuming the faculty and government of their Church; but also a contract that it be an Article and fundamental of the Union; and that as it is contained in your ratification, cannot but imply a mutual homology—We do therefore humbly beseech your grace and lordships, that they be so such ratification, or consent for the establishment of that treaty and covenants, as we would not in doing ourselves and then a curse as guilt, and as you consider the power and extent of this action, neither church discipline. We pray, that God may bless and preserve our gracious sovereign, and direct your grace and lordships in this, and all the great and important affairs, which are, or may be before you."

Agreed in this manner, in the presence, and at the appointment of the commission of the late General Assembly, by
 Sir Robert Forbes

WILL. WATSON, Moderator.

[*The Act of Ratification passed*] After reasoning upon the Act and Representation, the vote was stated, Approve the act, or not, but before voting, it was agreed, that the votes be marked, and the character allowed to be marked, as an approver. At the same time, the duke of Douglas gave in a petition for his privilege of the first vote in parliament, and took instruments thereon; and the duke of Hamilton gave in also a petition, to the contrary. Then the vote was put, Approve the act, ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England, Yes or No; and it was carried, Approve, by a majority of 118 voices, against 68, and then the act was touched with the royal scepter by her majesty's high commissioner in the usual manner.

The next business the Scotch parliament went upon, was the preparing an act for the settling the manner of electing the sixteen peers, and forty-four commons, to represent Scotland, in the parliament of Great Britain,

which was defined as the range of the 20th, 75th, 90th, 95th, 98th, 99th, and 100th percent.

The *Manner of electing Representatives of Scotland settled*] On the 16th, an overture relating to the ways of electing the representatives for Scotland, to the parliament of Great Britain was read. — Next after debating thereon, the vote was put, Whether the 10 peers, who were to be representatives for Scotland, in the parliament of Great Britain, should be lost by Rotation or Election, and it was carried, by Rotation. Then it was moved, that it be considered, what way the election should be, whether by Balloting, or by an open election; — and after debate thereon, the vote was put, Whether it shall be by Open Election, or Balloting, and it was carried, by Open Election. The next it was debated what proportion the peers and boroughs should have, of the 45 members that were to sit in the House of Commons of Great Britain. And it being proposed, that 10 should be the number for the peers, and 35 for the boroughs, the vote, it was put on the vote, and carried, Aye 45.

The 24th, a vote was put, if the burgh of Edinburgh, by itself, should have one representative or not, and it was carried, *Yes*. Then a scheme dividing the burghs into 25 districts, each of which districts was to have one representative, was given in, and read as follows: The burghs of Kirkcaldy, West, Dornack, Longnidd, and Tain, *one*; Fortrose, Inverness, Nairn and Forres, *one*; Elgin, Cullen, Hunt, Inverury and Aulhouse, *one*; Aberdeen, Bervie, Monrovia, Aberbrothock and Brechin, *one*; Forfar, Perth, Dundee, Cooper and St. Andrew, *one*; Cupar, Kilmory, Anstruther, Cairn and wester, and Pitsburgh, *one*; Dysart, Kirkcaldy, Kinghame and Breck island, *one*; Levenmouth, Dunfermling, Queensberry, Culross and Stirling, *one*; Glasgow, Renfrew, Rutherglen and Dumbarton, *one*; Edinburgh, *one*; Haddington, North-Dorack, Dunsin, Linlithgow and Jedburgh, *one*; Selkirk, Peebles, Lathbridge and Leith, *one*; Dumfries, Strathgry, Annan, Leith, and wester and Eborburgh, *one*; Wigton, New-Galloway, Wigtown and Stranraer, *one*; Argy, Inver, Balmory, Camberton and Roarow, *one*.

Scott Commensures, &c. voted their Expenses.) The Vote being put, the scheme was carried, and the parliament, on the last of the month, took into consideration a motion for allowing the expense to the commissioners for the Union, and it was resolved, That each member concerned should have 12,000*l*. Scots, and every other commissioner 8,000*l*: their secretary 4,000*l*, the three assistants 2,000*l* each, out of the equivalent, part paid, with public debts, after the above expence; but before voting the vote was ordered to be prorogued, and the Lord Archbishop of Glasgow, then made earl of Isha, was allowed his expence as a witness. It was also carried that the commissioners for the Treaty at 1704, should be allowed for their expence, each

solidness. 3000 working, each better 3000, and each enough 3000, and the expense was declared to have public use, and referred to a committee to view the various facts.

The Parliament of Scotland occurred.] The necessity of the loan was great, among other causes, in sustaining the interests of the African and India Company, and providing for the due discharge of the equinoctial. In disposing of this sum, great parties were opposed, which were much complained of, but there was not strength to oppose them. The country, and those who depended on them, moved for very extravagant allowances to those who had been employed in this last, and in the former Treaty, and they made large allowances of other public debts, that were complained of as unreasonable and unjust, by which a great part of the sum was diverted from answering the end for which it was given. This was much opposed by the Exchequer; but to the ministers prevailed it, and those who were to get by it, made all the interest they could in shewing (some few of them only excepted, who, as became generous patrons, showed more regard to the public, than to their private ends) as those who had opposed the loan, were not displeased to see the sum so unexpectantly rising, by that means, than the revenue which they contributed to advance into the nation against the Union, would be much increased; therefore they let every thing go at the ministers proposal, to the great grief of those who wished well to the public.

Mar. 12. The banners of the warring being ended, the High Commissioners went to the Parliament house to greet solemnly, being attended by the whole troop of Lifeguards, and all the soldiers and gentry in their coaches, and, having touched with the royal scepter several axes, made the following speech to the parliament:

"My lords and gentlemen, The public business of this session being now over, it is full time to put an end to it. I am persuaded, that we and our posterity will reap the benefit of the Union of the two kingdoms; and I doubt not, but, as this parliament has had the honour to conclude it, you will, in your several stations, recommend to the people of the nation a grateful sense of her majesty's goodness and great care for the welfare of her subjects, in bringing this important affair to perfection; and that you will propose an universal desire in the kingdom, to become one in heart and affection, as we are inseparably joined in interests with our neighbour nation.—My lords and gentlemen, I have a very deep sense of the assistance and support I have met with from you in the course of parliament, and I shall owe no occasion of thanking, to the want of my power, the grateful remembrance I have of it."

The parliament being adjourned on the 23d of April, the Duke returned to the queen's palace at the same residence, as he went to the house, and gave a solemn engagement to

its nobility and clergy. The day before, the draught of a Letter from the parliament to the queen was brought in, read, and approved; and, the duke having then happily concluded the union, and was seated at the table, which he sat with, he sat only a few days after, for London, where he arrived the 11th April,

being met several miles out of town by many noblemen and gentlemen in their coaches; the number of whose lists, and he was the married persons on horseback. The day morning he waited upon the queen at Richmond, where he was very graciously received.

N^O II.

ACT ENACTING AND APPROVING THE TREATY OF THE TWO KINGDOMS OF SCOTLAND AND ENGLAND.

This Act being a true and Copy of the Act of Parliament of the Treaty of Union, as it was passed in the Parliament of Scotland, with the Approbation thereof from England, as it was published in Scotland, by order of the Parliament there.

A. D. 1707

THE Estates of Parliament constituted, that Assembly of Estates of the Kingdoms of Scotland and England, were agreed on the twenty-second of July, 1706, by the Commissioners nominated at White at the Hague, under her majesty's great seal of Scotland, to transcribe the form of Treaty last past, in pursuance of the letters royal the third session of this parliament, and the commission is transmitted certified in the Highness of England, under her majesty's great seal of England, bearing date at Whitehall the sixth day of April last past, containing an express promise, that such an English Treaty, as all her majesty's subjects, and those of her majesty's kingdoms, and concerning the Union of the said Kingdoms, which Articles were, in all respects, presented to her majesty, upon the 22d day of the month of July, and were then and then to the said Treaty, in her majesty's name, by which the said Treaty of July, 1706, and that the said act of parliament have agreed in, and approved of the said Articles of Union, with some additions and explanations, as is contained in the Articles hereunto annexed, and addition, but contrary with them, and consent of the Estates of parliament, resolving to establish the Protestant religion and Presbyterian church order, and order of discipline, as part of the union, and to be observed in all, as stated, in the execution of the Protestant religion, and every Presbyterian church government, and all, in the terms thereof, as expressed to be in force, as are contained in the Treaty, and as is published to be a public record and approved resolution of the said Treaty of Union, as all time coming. The reason, for so doing, with the advice and consent of the Estates of parliament, as to the nature of the application of the Articles made to her majesty, and for the other said Articles, and the reason of the same, upon said and reasons delivered upon the second of November last, and put in parliament, both early, opposite, and confirmed, bearing date, for addition and explanation

contained in the said Articles, as manner, and order the parliament there mentioned, whereby the said act is made.

I Article, That the two Kingdoms of Scotland and England shall, upon the 1st day of May next ensuing the date hereof, and for ever after, be united into one Kingdom by the name of Great Britain, and that the crown be united of the said United Kingdom be such as her majesty shall appoint, and the Crown of St. Andrew and be George be engaged to such manner as her majesty shall think fit, and need in all things, honours, estates, and crowns, both in sea and land.

II That the succession to the monarchy of the United Kingdom of Great Britain, and of the dominions thereto belonging, after her most excellent majesty, and in default of issue of her majesty, be, remain and continue to the most excellent Princess Sophia, daughter and daughter daughter of Hanover, and the heirs of her body, being Protestants, upon whom the crown of England is settled by an act of parliament made in England, on the fifth year of the reign of his late majesty King William 3. inserted, An act for the better limitation of the crown, and better securing the rights and liberties of the subject: and that all persons and persons marrying papists, shall be excluded from, and for ever incapable to inherit, possess, or enjoy the Kingdoms of Great Britain, and the dominions thereto belonging, or any part thereof, and in every such case, the crown and government shall, from time to time, descend to, and be enjoyed by such person, being a protestant, as should have inherited and enjoyed the same, in case such papist, or person marrying a papist, was naturally dead, according to the provision for the descent of the Crown of England, made by another act of parliament in England, in the first year of the reign of their late majesties King William and Queen Mary, inserted, An act declaring the rights and liberties of the subject, and settling the succession of the crown.

III. That the United Kingdom of Great Britain be represented by one and the same parliament, to be styled the parliament of Great Britain.

IV. That all the subjects of the United Kingdom of Great Britain shall, from and after the Union, have full freedom and commerce of trade and navigation, to and from every port or place within the said United Kingdom, and the dominions and plantations thereto belonging, as if there had been continuance of all other rights, privileges and advantages, which are or may belong to the subjects of either kingdom, except where it is otherwise expressly agreed in these Articles.

V. That all ships, as vessels, belonging to her Majesty's subjects of Scotland, at the time of ratifying the Treaty of Union of the two Kingdoms (in the parliament of Scotland, though foreign built, be deemed and pass as ships of Great Britain) the owners, or when there are more owners, one or more of the owners, within 12 months after the 1st of May next, making oath, that, at the time of ratifying the Treaty of Union in the parliament of Scotland, the same did, in fact or in part, belong to him or them, or some other subject or subjects of Scotland, to be particularly named, with the place of their respective abodes, and that the same doth then, at the time of the said deposition, wholly belong to him or them, and that no longer, directly or indirectly, hath any share, part or interest therein; such oath shall be made before the chief officer or officers of the customs, in the port next to the abode of the said owner or owners; and the said officer, or officers, shall be empowered to administer the said oath, and the said oath being so administered, shall be retained by the officer, or officers, who administered the same, and being registered by the said officer or officers shall be delivered to the master of the ship for conveyance of her navigation, and the duplicate thereof shall be transmitted by the said officer or officers, to the chief officer or officers of the customs in the port of Edinburgh, so be there taken if as a register, and from thence to be sent to the port of London, so be there entered in the general register of all trading ships belonging to Great Britain.

VI. That all parts of the United Kingdom for ever, from and after the Union, shall have the same allowances, encouragements and drawbacks, and be under the same prohibitions, regulations and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, regulations and regulations of trade, and the customs and duties on import and export settled in Scotland, when the Union commenced, shall, from and after the Union, take place, throughout the whole United Kingdom, excepting and reserving the manner upon export and import of such particular commodities, from which any part, the subjects of either kingdom, are specially libe-

rated and excepted by their private rights, which, after the Union, are to remain safe and entire to them, in all respects, as before the union; and that, from and after the Union, no new duties raised into England shall be liable to any other duties, either on the public or private accounts, than those duties, to which the goods of England were already liable as before the said Union. And seeing, by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, whereas some awarded or unpaid are not imported, from and after the Union, when any shall be sold or drawn off into England per quart, or under, there shall be paid two shillings and sixpence sterling for every quarter of the oatmeal exported in the town of the law, whereby and so long as rewards are granted on exportation of other grain, and that the laws of Scotland have the same rewards as barley. And in respect to the importation of oatmeal into Scotland, it is very plain beyond any doubt, that the prohibition, as now is levied by the laws of Scotland, against exportation of oatmeal from Ireland, or any other place beyond sea into Scotland, do, since the Union, remain in the same force as before, and more proper and effectual ways be provided by the parliament of Great Britain, for discouraging the importation of the said oatmeal from beyond sea.

VII. That all parts of the United Kingdom be for ever, from and after the Union, liable to the same duties upon all excisable liquors, excepting only, that the thirty-four gallons English barrel of beer or ale, amounting to twelve gallons Scots present measure, sold in Scotland by the brewer at 2s. 6d. sterling, including all duties, and rendered (including duties and the retailer's profit, at 2d. the Scots pint, or eight pence of the Scots gallon, be now, after the Union, liable, on account of the present course upon excisable liquors in England, to any higher export or than is stirring upon the former thirty-four gallons English barrel, being twelve gallons the present Scots measure, and that the same method in England on all other liquors, when the Union commenced, take place throughout the whole United Kingdom.

VIII. That from and after the Union, all foreign silk, which shall be imported into Scotland, shall be charged at the importation there, with the same duties as the like silk is now charged with, being imported into England, and to be levied and secured in the same manner. But in regard the duties of great quantities of foreign silk imported may be very heavy on the merchants importers, that therefore all foreign silk imported into Scotland shall be collected and locked up under the custody of the exchequer master, and the officers employed for keeping the duties upon silk, and that the merchant may have what quantities thereof his accounts may require, and under a weight or 400 pounds or a stone, giving accom-

way for the duty of what quantity he receives, payable in one month; but Scotland shall, for the space of 7 years into the said Union, be exempted from paying in Scotland, for salt, made there, the duty, or custom now payable for salt made in England; but, from the expiration of the said 7 years, shall be subject, and liable, in proportion charged for salt made in Scotland, as shall be then payable for salt made in England, to be levied and secured in the same manner, and with the same drawbacks and allowances, as in England; with this exception, that Scotland shall, after the said 7 years, remain exempted from the duty of 1s. 4d. a bushel on home salt, imposed by an act made in England in the 5th year of King William the 3d. of England. And if the parliament of Great Britain shall, at or before the expiring of the said 7 years, substitute any other land in place of the said 1s. 4d. of excise on the basis of home salt, Scotland shall, after the said 7 years, bear a proportion of the said fund, and have an equivalent in the terms of the treaty: and that, during the said 7 years, there shall be paid in England, for all salt made in Scotland, and imported from thence into England, the same duties upon importation, as shall be payable for salt made in England, to be levied and secured in the same manner as the duties on foreign salt are to be levied and secured in England. And that, after the said 7 years, how long the said duty of 1s. 4d. a bushel upon salt is continued in England, the said 1s. 4d. a bushel shall be payable for all salt made in Scotland, and imported into England, to be levied and secured in the same manner; and that, during the duty of 1s. 4d. a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt, and the cart and carriages made use of in bringing the same, and paying 20s. for every bushel of such salt, and proportionally for a greater or lesser quantity; for which the carrier, as well as the owner, shall be liable jointly and severally, and the persons carrying or carrying the same to be imprisoned for any one justice of the peace by the space of a month without bail, and until the penalty be paid. And for establishing an equality in trade, that all fishes exported from Scotland to England, and put on board in Scotland, to be exported to parts beyond the seas, and provisions for ships in Scotland, and for foreign voyages, may be mixed with Scots salt, paying the same duty for what salt is employed as the like quantity of such salt pays in England, and under the same penalties, forfeitures and provisions, for preventing of frauds, as are mentioned in the laws of England: and that, from and after the Union, the laws and acts of parliament in Scotland, for passing, curing and packing of herrings, white fish, and salmon for exportation with foreign salt only, without any mixture of British or Irish salt, and for preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the

parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of British or Irish salt, shall have the same rates, provisions and drawbacks, as are or shall be allowed to such persons to export the like fish from England; and that, not notwithstanding of the foregoing taking, there shall be allowed and paid to the subjects, inhabitants of Great Britain, during the present allowance for other duties, the 1d. sterling for every barrel of white herrings which shall be exported from Scotland, and that there shall be allowed to, making for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, shamble by the parliament of Great Britain. And if any custom or duty arising to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this article, the same shall be subject to such further provisions as shall be thought fit by the parliament of Great Britain.

XI. That, whereas the sum of 1,000,000l. 10s. 4d. shall be enacted by the parliament of Great Britain, to be raised in that part of the United Kingdom now called England, as land, and other things usually charged for use of parliament there, for granting as aid to the crown by a land tax, that part of the United Kingdom now called Scotland, shall be charged, by the same act, with a further sum of 20,000l. free of all charges, as the quota of Scotland to such tax, and so proportionally for any greater or lesser sum raised in England by any tax on land, and other things usually charged together with the land; and that such quota for Scotland, in the same manner, be raised and collected in the same manner as the rest now is in Scotland, but subject to such regulations in the manner of collecting as shall be made by the parliament of Great Britain.

XII. That, during the continuance of the respective duties on stamp paper, vellum and parchment, by several acts now in force in England, Scotland shall not be charged with the same respective duties.

XIII. That, during the continuance of the duties payable in England on windows and lights, which determine on the 1st day of August, 1710, Scotland shall not be charged with the same duties.

XIV. That, during the continuance of the duties payable in England on coals, culm and cinders, which determine the 30th of September 1710, Scotland shall not be charged therewith for coals, culm, and cinders, consumed there, but shall be charged with the same duties as in England for all coal, culm, and cinders, not consumed in Scotland.

XV. That, during the continuance of the duty payable in England on malt, which determines the 24th day of June, 1707, Scotland shall not be charged with that duty.

XVI. That the legislature of Scotland be not charged with any other duties laid on by the

parliament of England before the Union, except those consented to in this Treaty, is agreed it is agreed, that all necessary provisions shall be made by the parliament of Scotland for the public charge and service of that Kingdom, for the year 1707; provided, notwithstanding, that parliament shall be obliged to do no farther impositions, by way of customs, or such duties, with which, by virtue of this Treaty, Scotland is to be charged equally with England, in such case, Scotland shall be liable to the same customs and duties, and have an equivalent to be made by the parliament of Great Britain; with this further proviso, that any such to be made and consented to that part of the United Kingdom now called Scotland, shall not be charged with any impost upon wool during the present war; and seeing it cannot be supposed, that the parliament of Great Britain will ever lay any sort of burden upon the United Kingdom, but whereby shall and of necessity in that time for the preservation and good of the whole, and with due regard to the circumstances and duties of every part of the United Kingdom; therefore it is agreed, that there be no further impositions consented upon for any part of the United Kingdom, but that the consideration of any impost, beyond what is already agreed on in this Treaty, shall be left to the determination of the parliament of Great Britain.

XV. Whereas, by the terms of this Treaty, the subjects of Scotland, for pursuing an equality of trade throughout the United Kingdom, will be liable to several customs and duties now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union, it is agreed, that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England in all parts where necessary, in manner following, viz. That, before the Union of the said Kingdoms, the sum of 800,000*l.* be granted to her majesty, by the parliament of England, for the use after mentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and duties upon all exportable liquors, with which that Kingdom is to be charged upon the Union as well be applicable to the payment of the said debts of England, according to the proportion which the present customs in Scotland, being 34,000*l.* per annum, do bear to the customs in England, computed at 1,511,500*l.* per annum, and which the present customs in each of the liquors in Scotland, being 33,000*l.* per annum, do bear to the customs on exportable liquors in England, computed at 547,800*l.* per annum, which sum of 800,000*l.* shall be due and payable from the time of the Union and in regard that, after the Union, Scotland becoming liable to the same customs and duties payable on import and export, and to the same duties on all exportable liquors as in England, as well upon *Wine, Brandy, and aged Rhenish*

of the increase of trade and people (which will be the happy consequence of the Union), the said revenues will much improve beyond the then accustomed annual value thereof, at which no present estimate can be made, yet nevertheless, for the reasons aforesaid, there ought to be a payment of the equivalent answered to Scotland; it is agreed, that, after the Union, there shall be an account kept of the said duties arising in Scotland, to the end it may appear, what ought to be answered to Scotland, as an equivalent, for such proportion of the said duties, as shall be applicable to the payment of the debts of England. And for the further and more effectual answering the several such heretofore mentioned, it is agreed, that, from and after the Union, the whole increase of the revenues of customs and duties on import and export, and other upon exportable liquors in Scotland, over and above the annual produce of the said respective duties as aforesaid, shall go and be applied, for the term of seven years, to the use hereafter-mentioned, and that, upon the end account, there shall be answered to Scotland annually, from the end of seven years after the Union, an equivalent, in proportion to such part of the said increase as shall be applicable to the debts of England; and, generally, that an equivalent shall be answered to Scotland, for such parts of the English debts as Scotland may hereafter become liable to pay by reason of the Union, other than such, for which appropriations have been made by parliament of England, of the customs or other duties on export and import, matters as all exportable liquors, in respect of which debts, equivalents are herein before provided: and so for the sum to which the said sum of 800,000*l.* may be increased as aforesaid, and all other monies which are to be answered as allowed to Scotland as aforesaid, are to be applied, it is agreed, that in the first place, out of the first sum, what consideration shall be found necessary to be had for any loan, which private persons may receive, by reducing the debt of Scotland to the standard and value of the coin of England, may be employed: in the next place, that the capital stock or fund of the African and India company of Scotland advanced, together with the interest for the said capital stock after the rate of 5 per cent. per annum, from the respective times of the payment thereof, shall be paid, upon payment of which capital stock and interest, it is agreed the said company be dissolved and cease, and also, that, from the time of paying the said debt to the parliament of England, for the said sum of 800,000*l.* then of company shall receive trade, for great losses in trade, providing, that, if the said stock and interest shall not be paid in 15 months after the commencement of the Union, that then the said company may, from that time forth, receive licence to trade, and the said stock and interest shall be paid: and so to the surplus of the said sum of

and that the court of admiralty now established in Scotland be continued; and that all seizures, forfeitures or compositions of the merchandise in maritime cases, competent to the jurisdiction of that court, remain to the same manner after the Union as now in Scotland; and the proceedings at Courts thereof shall remain such as they are and alterations as shall be judged expedient for the whole united Kingdom; so as there be always continued in Scotland a court of admiralty, such as in England, for determination of all maritime cases relative to private rights in Scotland competent to the jurisdiction of the admiralty court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain; and that the heritable rights of admiralty, and vice-admiralty in Scotland, be reserved to the respective proprietors, as rights of property, subject nevertheless, as to the manner of exercising such hereditary rights, to such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain; and that all other courts, now in being when the Kingdom of Scotland, do remain, but subject to alterations by the parliament of Great Britain; and that all inferior courts whatsoever herein do remain subordinate, as they are now, to the superior courts aforesaid within the same, and all time coming; and that no process in Scotland be receivable by the court of Chancery, Queen's Bench, Common Pleas, or any other court in Westminster-hall; and that the said courts, or any other of the like nature, after the Union, shall have no power to originate, remove, or alter the same or sentences of the said courts within Scotland; or stop the execution of the same; and that there be a court of Exchequer in Scotland, after the Union, for devising questions concerning the revenues of customs and excises there, having the same power and authority, in such cases, as the court of Exchequer has in England; and that the said court of Exchequer in Scotland have power of passing judgments, gilds, tithes, and so other things, as the court of Exchequer at present in Scotland hath; and that the court of Exchequer then now in Scotland do remain, until a new court of Exchequer be settled by the parliament of Great Britain in Scotland after the Union; and that, after the Union, the queen's majesty and her royal successors may continue a privy council in Scotland, for passing of public peace and order, until the parliament of Great Britain shall think fit to alter it, or establish any other official method for that end.

XX. That all heritable offices, representative, heritable jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the lords of Scotland notwithstanding of this Union.

XXI. That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain unaltered after the Union, and notwithstanding thereof.

XXII. That, by virtue of this Treaty, of the peers of Scotland at the time of the Union, 19 shall be the number to sit and vote in the House of Lords, and 43 the number of the representatives of Scotland in the House of Commons of the parliament of Great Britain; and that, when the majority, the third or more parts, shall give their votes or other pleasure, for holding the first or any subsequent parliament of Great Britain, until the parliament of Great Britain shall make further provision therein, a writ do issue under the great seal of the said Kingdom, directed to the privy council of Scotland, commanding them to cause 19 peers, who are to sit in the House of Lords, to be summoned to parliament, and 43 members to be elected, to sit in the House of Commons of the parliament of Great Britain, according to the agreement in this Treaty, in such manner as by a subsequent act of this present session of the parliament of Scotland shall be settled; which act is hereby declared, as to be as valid, as if it were a part of, and incorporated in, this Treaty; and that the names of the peers, so summoned and elected, shall be returned by the privy council of Scotland, into the court first where the said writ did issue; and that if her majesty, on or before the last day of May next, on which day the Union is to take place, shall declare under the great seal of England, that it is expedient, that the Lords of parliament of England, and Commons of the present parliament of England, shall be the members of the respective houses of the first parliament of Great Britain, for and on the part of England, then the said lords of parliament of England, and Commons of the present parliament of England, shall be the members of the respective houses of the first parliament of Great Britain, for and on the part of England; and her majesty may, by her royal proclamation under the great seal of Great Britain, appoint the said first parliament of Great Britain to meet at such place and place as her majesty shall think fit, which time shall not be less than 30 days after the date of such proclamation; and the time and place of the meeting of such parliament being so appointed, a writ shall be immediately issued under the great seal of Great Britain, directed to the privy council of Scotland, for the summoning the 19 peers, and for electing 43 members, by whom Scotland is to be represented in the parliament of Great Britain, and the Lords of parliament of England, and the 19 peers of Scotland, such 19 peers being summoned and returned in the same manner agreed in this Treaty; and the members of the House of Commons of the said parliament of England, and also the 43 members for Scotland, such 43 members being elected and returned in the manner agreed in this Treaty, shall assemble and meet respectively in their respective houses of the parliament of Great Britain, at such time and place as shall be so appointed by her majesty, and shall be the two Houses of the first parliament of Great Britain; and that her Majesty may thenceforth sit there as she shall think fit.

present parliament of England might have continued, if the Union of the two Kingdoms had not been made, unless sooner dissolved by her majesty. And that every one of the Lords of parliament of Great Britain, and every member of the House of Commons of the parliament of Great Britain, to the first and all succeeding parliaments of Great Britain, and the parliament of Great Britain shall acknowledge, shall declare, respect, make request in his taking oath of the oath of allegiance and supremacy, by an act of parliament made in England in the first year of the reign of the late King William and Queen Mary, entitled, 'An act for the strengthening of the oath of Supremacy' and 'Allegiance, and appointing other oaths,' and make, subscribe, and publish upon, the declaration contained in an act of parliament made in England, in the first year of the reign of the late Charles II. entitled, 'An act for the more effectual preserving the English constitution and government, by dissolving Papist's from sitting in either House of parliament,' and that it take and subscribe the oath mentioned in an act of parliament made in England, in the first year of her majesty's reign, entitled, 'An act to declare the effectness of the oath appointed to be taken by the act, entitled, 'An act for the further security of her majesty's person, and the succession of the crown in the Protestant line, and for suppressing the hopes of the pretended prince of Wales, and all other pretenders, and their open and secret abettors, and for declaring the succession to be determined;' at such time, and in such manner as the members of both Houses of parliament of England use, by the said respective acts, directed in this, make, and subscribe the same, upon the penalties and disabilities in the said respective acts contained. And it is declared and agreed, that these words, 'This realm, the crown of this realm, and the queen of this realm,' mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain; and that, in that sense, the said oaths and declaration be taken and subscribed by the members of both Houses of the parliament of Great Britain.

XXIII. That the several acts of Scotland, mentioned in the last preceding article, as set in the House of Lords of the parliament of Great Britain, shall have all privileges of parliament which the peers of England now have, and which they, or any peers of Great Britain shall have after the Union, and particularly the right of sitting upon the trials of peers, and in case of the trial of any peer in time of adjournment or prorogation of parliament, the said 10 peers shall be summoned in the same manner, and have the same powers and privileges in such trial, as now other peers of Great Britain. And that in case any trials of peers shall hereafter happen when there is no parliament in being, the 10 peers of Scotland, who now in the last preceding parliament,

shall be summoned in the same manner, shall have the same powers and privileges at such trials, as any other peers of Great Britain. And that all peers of Scotland, and their successors in their honours and dignities, shall sit and vote in the Union, in peers of Great Britain, and have rank, and precedence next and immediately after the peers of the said orders and degrees in England, at the time of the Union, and before all peers of Great Britain, of the like orders and degrees, who shall be created after the Union, and shall sit and vote in peers of Great Britain, and shall enjoy all the rights and privileges of peers in the House of Lords, and the jurisdiction depending thereon, and particularly the right of sitting upon the trials of peers.

XXIV. That, from and after the Union, there be no great, and no the united kingdom of Great Britain, which shall be different from the political constitution of either kingdom; and that the governing, the arms, and the rank and privileges of the House of arms of the Kingdom of Scotland, in which said the Union, be to her majesty, and that, in the meantime, the people and of England be subject to the great seal of the united kingdom, and that the great seal of the united kingdom be used for sealing writs, letters, and patents of the parliament of Great Britain, and for sealing all letters, writs, letters, patents, and orders of state, which concern the whole united kingdom, and in all other matters relating to England, as the great seal of England is now used; and that a seal in Scotland, after the Union, be always kept, and made use of in all things relating to private rights or grants, which have usually passed the great seal of Scotland, and which only concern officers, grants, concessions, and private rights within that kingdom; and that, until such seal shall be appointed by her majesty, the present great seal of Scotland shall be used for such purposes; and that the present, great, great, great, great of the judiciary, great, great, great, great of court now used in Scotland, be continued; but that the said seal be altered, and adapted to the state of the Union, as her majesty shall think fit; and the said seal, and all of them, and the keepers of them, shall be subject to such regulations as the parliament of Great Britain shall hereafter make; and that the crown, sceptre, and sword of state, the robes of parliament, and all other ornaments, robes and regalia whatsoever, both public and private, general and particular, and banners thereof, whosoever to be kept, as they are within that part of the united kingdom now called Scotland, and that they shall be worn in all war-carrying, notwithstanding of the Union.

XXV. That all laws and statutes in other kingdoms, so far as they are contrary to, or in-

anent with the terms of these Articles, or any one of them, shall, from and after the Union, cease and become void, and shall be so declared to be by the respective parliaments of the said kingdoms.

Follows the tenor of the fourth Act for securing the Protestant Religion and Presbyterian Church Government.

Our sovereign lady and the estates of parliament considering, That, by the late act of parliament for a Treaty with England, for an Union of both Kingdoms, it is provided, that the commissioners for that Treaty should not treat of or concerning any alteration of the worship, discipline, and government of the church of this kingdom, as now by law established: which Treaty being now reported to the parliament, and it being reasonable and necessary, that our true Protestant religion, as presently professed within this kingdom, with the worship, discipline, and government of the church, should be effectually and unalterably secured; therefore her majesty, with advice and consent of the said estates of parliament, doth hereby establish and confirm the said true Protestant religion, and the worship, discipline and government of the church, to continue without any alteration to the people of this land in all succeeding generations; and more especially, her majesty, with advice and consent aforesaid, ratifies, approves, and doth over confirm, the fifth act of the first parliament of king William and queen Mary, intituled, 'Act ratifying the Confession of Faith,' and saying Presbyterian Church Government,' with the last other acts of parliament relating thereto, as promulgated by the Declaration of the Estates of this kingdom, containing the Claim of Right, bearing date the 11th of April, 1689; and her majesty, with advice and consent aforesaid, expressly provides and declares, that the aforesaid true Protestant religion, contained in the above-mentioned Confession of Faith, with the form and purity of worship presently in use within this church, and its Presbyterian church government and discipline, that is to say, the government of the church by lay elders, presbyters, pastoral officers, and general assemblies, all established by the aforesaid acts of parliament, pursuant to the Claim of Right, shall remain and continue unalterable, and that the said Presbyterian government shall be the only government of the church within the kingdom of Scotland. And further, for the greater security of the aforesaid Protestant religion, and of the worship, discipline, and government of this church as above established, her majesty, with advice and consent aforesaid, statutes and ordains, that the universities and colleges of St. Andrews, Glasgow, Aberdeen, and Edinburgh, as now established by law, shall continue within this kingdom for ever. And that, in all time coming, no professor, principal, regent,

master, or others, bearing office in any university, college or school within this kingdom, be capable, or be admitted or allowed to continue in the exercise of their said functions, but such as shall own and acknowledge the said government as lawfully presented, or to be prescribed by the acts of parliament. And that, from hence, or at their admission, they do and shall acknowledge and profess, and shall subscribe to the aforesaid Confession of Faith, as the Confession of their Faith; and that they will practice and maintain throughout in the said universities as well in this church, and within through out the government and discipline thereof, and never endeavour, directly or indirectly, the propagation or subtraction of the same; and that before the respective Presbyteries of their bounds, by whomsoever sent, presented, or promoted, they may be strictly proceeded. And further, her majesty, with advice aforesaid, expressly declares and statutes, that none of the subjects of this kingdom shall be liable to, nor aid nor every one of them, for ever free of any oath, test or subscription within this kingdom, contrary to, or inconsistent with, the aforesaid true Protestant religion and Presbyterian church government, worship and discipline as above established; and that the same, within the bounds of this church and kingdom, shall never be imposed upon, or required of them in any sort. And, lastly, that after the decease of her present majesty (whom God long preserve), the sovereigns succeeding to her in the royal government of the kingdom of Great Britain shall, in all time coming, at her or her successors in the crown, oath and subscribe, that they shall irreversibly maintain and preserve the aforesaid settlement of the true Protestant religion, with the government, worship, discipline, right, and privileges of this church, as above established by the laws of this kingdom, in pursuance of the Claim of Right. And it is hereby statute and ordained, that this act of parliament, with the establishment therein contained, shall be hold and observed, in all time coming, as a fundamental and essential condition of any Treaty or Union to be concluded between the two Kingdoms, without any alteration thereof or derogation therein, in any sort, for ever. And also, that this act of parliament, and settlement therein contained, shall be insert and reported in any act of parliament that shall pass, the approving and concluding the aforesaid Treaty or Union between the two kingdoms; and that the same shall be therein expressly declared to be a fundamental and essential condition of the said Treaty or Union, in all time coming. Which Articles of Union, and Act immediately above-written, her majesty, with advice and consent aforesaid, statutes, ratifies, and ordains to be, and continue, in all time coming, the more and perpetual foundation of a complete and true Union of the two kingdoms of Scotland and England, under the express condition and promise, that the approbation and subscription of the aforesaid Ar-

troles and Act shall be no ways binding on the
 Languen, until the said Articles and Act be
 passed, approved and confirmed by her ma-
 jesty, with and by the authority of the parlia-
 ment of England: as they are now agreed to, ap-
 proved and confirmed by her majesty, with and
 by the authority of the parliament of Scotland.
 Declaring nevertheless, that the parliament of
 England may provide for the security of the
 church of England as they think expedient to
 take place within the bounds of the said king-
 dom of England, and not derogating from the
 security above provided, for establishing of the
 church of Scotland within the bounds of the
 kingdom. As also, the said parliament of Eng-
 land may extend the additions and other pro-
 visions contained in the Articles of Union, as
 above insert, in favour of the subjects of Scot-
 land, in and in favour of the subjects of Eng-
 land, which shall not suspend or derogate from
 the force and effect of the present uniformity,
 but shall be understood so far as is included,
 without the necessity of any new ratification in
 the parliament of Scotland. And, lastly, her
 majesty doth and doth declare, that all laws and
 statutes in the Kingdom, as far as they are
 contrary to, or inconsistent with, the terms of
 these Articles as above mentioned, shall, from
 and after the Union, cease and become void."

*Follows the Exemplification under the Great-
 Seal of England, of the Act of the Parlia-
 ment of that Kingdom, entitled, An
 Act for an Union of the two Kingdoms of
 England and Scotland, as the same was
 transmitted to the Parliament of Scotland,
 and ordered to be recorded.*

" Anna, Dei gratia, Angliæ, Scotiæ, Franciæ, et
 Hiberniæ regina, Salutem in Deum, &c. Quia
 nos et quædamantes habet pertractare salu-
 tem Imperatoris quodam habet nostrum de
 consensu et cap. Cancellar. nostre sapie
 mus. delecto et habet mairi Mathew Joha-
 nes, Aemore, Clerici Parliamentorum nos-
 trorum delecto nos cum quodam rectoris
 induramentis in domo quodam habet nostrum
 et mairi in domo Cancellar. nostre mairi
 nam et in domo de rectoris rectoris. in
 habet rectoris, Anna, Dei gratia, Angliæ, Scotiæ, Franciæ
 et Hiberniæ regina, Salutem in Deum, &c. Delecto
 et habet Mathew Johanes, Clerici Parliamentorum
 nos. et habet Valentinus rectoris de consensu
 nos super rectoris consensu Actus in re-
 mairi Parliamentorum nostre apud Westm. facti
 et ordinari, intencit. — An Act for an Union
 of the two Kingdoms of England and Scotland."
 " Nos mairi nos quodam Actus predicti
 — nos mairi et habet mairi nos in Can-
 cellar. nostre mairi delecto et habet nos
 et habet mairi, apud Westm. rectoris delecto
 et habet nos. et habet mairi. Wrighte rectoris
 et habet nos quodam rectoris habet nos
 nos, quodam rectoris mairi rectoris Math.
 Johanes, Clerici Parliamentorum. In parram
 et habet rectoris parram et habet rectoris
 nos mairi delecto parram delecto nos habet

" nos, mairi et habet Mathew Johanes rectoris
 et habet in Cancellar. nostre parram nos.
 rectoris et habet nos delecto nos.
 mairi in nos rectoris. In Parliament. re-
 delecto, apud Westm. rectoris delecto nos.
 delecto, nos delecto mairi rectoris rectoris
 mairi quodam rectoris rectoris delecto delecto
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 rectoris, et. — An Act for an Union of the two
 Kingdoms of England and Scotland." nos
 quodam rectoris rectoris in nos rectoris. Most
 Gracious Sovereign, Whereas Articles of Union
 were agreed on the third day of July, in the fifth
 year of your majesty's reign, by the Commis-
 sioners nominated on behalf of the Kingdom
 of England, under your majesty's great seal
 of England, bearing date at Westminster the
 sixth of April above last past, in pursuance of
 an Act of parliament made in England, in the
 third year of your majesty's reign; and the
 commissioners nominated on behalf of the
 Kingdom of Scotland, under your majesty's
 great seal of Scotland, bearing date the 25th
 day of February, in the 4th year of your ma-
 jesty's reign, in pursuance of the fourth Act of
 the third session of the present parliament of
 Scotland, to treat of and concerning an Union
 of the said Kingdoms: and whereas an Act
 hath passed in the parliament of Scotland, at
 Edinburgh, the 15th day of January, in the
 fifth year of your majesty's reign, wherein it is
 mentioned, that the estates of Parliament,
 considering the said Articles of Union of the
 two Kingdoms, had agreed to and approved of
 the said Articles of Union, with some additions
 and explanations: and that your majesty, with
 advice and consent of the estates of parliament
 for establishing the Protestant Religion, and
 Presbyterian Church Government within the
 Kingdom of Scotland, had passed to the same
 estates of parliament, an Act intitled, " Act
 for securing of the Protestant Religion and
 Presbyterian Church Government," which, by
 the tenor thereof, was appointed to be re-
 corded in an Act ratifying the Treaty, and ex-
 pressly declared to be a fundamental and es-
 sential condition of the said Treaty or Union
 in all times coming, the tenor of which Articles,
 as ratified and approved of, with additions and
 explanations, by the said Act of Parliament of
 Scotland, follows:

Article 1. That the two Kingdoms of Eng-
 land and Scotland shall, upon the first day of
 May, which shall be in the year 1707, and for
 ever after, be united into one Kingdom, by the
 name of Great Britain; and that the monarch
 of the said united Kingdom be such as
 her majesty shall appoint, and the crown of
 St. George and St. Andrew be worn on
 such manner as her majesty shall think fit,
 and used in all flags, banners, standards, and
 ensigns, both at sea and land.

Art. 2. That the succession to the crownship of the united Kingdom of Great Britain, and of the dominions thereto belonging, after her most sacred majesty, and in default of issue of her majesty, be, remain and continue, to the most excellent protestant Sophia, electress and daughter, through of Hanover, and the heirs of her body, being Protestants, upon whose crown of England is settled by an act of parliament made in England, in the 12th year of the reign of his late majesty King William the 3d, entitled, "An Act for the further limitation of the crown, and better securing the rights and liberties of the subject;" and that all Papists and persons marrying Papists, shall be excluded from and for ever incapable to inherit, possess, or enjoy the imperial crown of Great Britain, and the dominions thereto belonging, or any part thereof; and, in every such case, the crown and government shall, from time to time, descend to, and be enjoyed by such person, being a Protestant, as should have inherited and enjoyed the same, in case such Papist or persons marrying a Papist, was naturally dead, according to provision for the descent of the crown of England, made by another act of parliament in England, in the first year of the reign of their late majesty King William and Queen Mary, entitled, "An Act declaring the rights and liberties of the subject, and settling the succession of the crown."

Art. 3. That the united Kingdom of Great Britain be represented by one and the same parliament, to be styled 'The Parliament of Great Britain.'

Art. 4. That all the subjects of the united Kingdom of Great Britain shall, from and after the Union, have full freedom and intercourse of trade and navigation to and from any port or place within the said united Kingdom, and the dominions and plantations thereto belonging; and that there be no discrimination of all other rights, privileges and advantages, which do or may belong to the subjects of either Kingdom, except where it is otherwise expressly agreed in these Articles.

Art. 5. That all ships, or vessels, belonging to her majesty's subjects of Scotland at the time of making the Treaty of Union of the two Kingdoms in the parliament of Scotland, though longer built, be drawn and put on ships of the body of Great Britain: the owner, or, where there are more owners, one or more of the owners, within 12 months after the 1st of May next, making oath, that at the time of making the Treaty of Union in the parliament of Scotland, the same did, in whole or in part, belong to him or them, or to some other subject or subjects of Scotland, to be particularly enough, with the place at their respective shires; and that the same doth then, at the time of the said declaration, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any share, part, or interest therein; which oath shall be made before the chief officer or officers of the customs, at the port next to the shore of the said vessel or

vessel; and the said officer, or officers, shall be empowered to administer the said oath; and the oath being so administered, shall be attested by the officer or officers, who administered the same, and being registered by the said officer or officers, shall be delivered to the master of the ship, for security of her cargo; and the duplicate thereof shall be transmitted, by the said officer or officers, to the chief officer or officers of the customs in the port of Edinburgh, to be there entered in a register, and from thence be sent to the port of London, to be there entered in the general register of all trading ships belonging to Great Britain.

Art. 6. That all parts of the united Kingdom for ever, from and after the Union, shall have the same allowances, encouragements, and drawbacks, and be under the same prohibitions, restrictions, and regulations of trade, and liable to the same customs and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, restrictions and regulations of trade, and the customs and duties on import and export, settled in England, when the Union came into use, shall, from and after the Union, take place throughout the whole united Kingdom, excepting and reserving the duties upon export and import of such particular commodities from which any persons, the subjects of either Kingdom, are specially licensed and exempted by their private rights, which, after the Union, are to remain safe and secure to them, in all respects, as before the same; and that, from and after the Union, no Scots coin be current into England shall be liable to any other duties, either on the public or private accounts, than those duties to which the mintage of England are or shall be liable within the said Kingdom. And seeing, by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, whereas oats graded or ungraded are not exported, that, from and after the Union, when oats shall be sold at 12s. sterling per quarter, or under, there shall be paid the 6d. sterling for every quarter of the oatmeal exported in the name of the last, whereby and so long as rewards are granted for exportation of other grain, and that the laws of Scotland have the same rewards as lastly. And in respect the importation of victual into Scotland, from any place beyond sea, would prove a discouragement to foreign trade, therefore, that the prohibition, as now in force by the laws of Scotland, against importation of victual from Ireland, or any other place beyond sea into Scotland, do, after the Union, remain in the same force as now it is, and some proper and effectual ways be provided by the parliament of Great Britain, for discouraging the importation of the said victual from beyond sea.

Art. 7. That all parts of the united Kingdom be for ever, from and after the Union, liable to the same custom upon all dutiable liquors, excepting only, that the 5s. gallons English brand of beer or ale, amounting to 12 gallons

Such present measure, sold in Scotland by the brewer at 2s. 6d. sterling, including all duties, and retailed, including duties and the retailer's profit, at 2s. the Scots pint, or eighth part of the Scots gallon, be not, after the Union, sold, on account of the present excess upon accountable liquors in England, at any higher proportion than the sterling quart at 2s. 5d. 2½ pence English barrel, being 12 gallons the present Scots measure; and that the rates settled in England on all other liquors, when the Union commences, take place throughout the whole united Kingdom.

Art. 8. That, from and after the Union, all foreign salt, which shall be imported into Scotland, shall be charged, at the importation thereof, with the same duties as the like salt is now charged with, being imported into England; and to be levied and received in the same manner. But, as regard the duties of great quantities of foreign salt imported may be very heavy upon the merchants importers, they therefore all foreign salt imported into Scotland shall be collected and locked up under the custody of the merchants importers and the officers employed for levying the duties upon salt; and that the merchants may have what quantity thereof has occasion may require, not under a weight of 40 bushels in a time, giving security for the duty of what quantity he requires, payable in six months; but Scotland shall, for the space of seven years from the said Union, be exempted from paying in Scotland, for salt made there, the duty or excise now payable for salt made in England; but, from the expiration of the said seven years, shall be subject and liable to the same duties for salt made in Scotland, as shall be then payable for salt made in England, to be levied and received in the same manner, and with proportionable drawbacks and allowances, as in England with this exception, that Scotland shall, after the said seven years, remain exempted from the duty of 2s. 4d. a bushel on home salt, imposed by an act made in England in the sixth and seventh of king William the 3d of England. And if the parliament of Great Britain shall, at or before the expiring of the said seven years, substitute any other fund in place of the said 2s. 4d. of excise on the bushel of home salt, Scotland shall, after the said seven years, bear a proportion of the said fund, and have an equivalent in the terms of this Treaty; and then, during the said seven years, there shall be paid in England, for all salt made in Scotland, and exported from thence into England, the same duties upon the exportation as shall be payable for salt made in England, to be levied and received in the same manner as the duties on foreign salt are to be levied and received in England. And that, after the said seven years, so long as the said duty of 2s. 4d. a bushel upon salt is continued in England, the said 2s. 4d. a bushel shall be payable for all salt made in Scotland, and reimported into England, to be levied and received in the same manner; and that, during the continuance of

the duty of 2s. 4d. a bushel upon salt made in England, no salt whatsoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the salt, and the vessel and carriage made use of in bringing the same, and paying 50s. for every bushel of such salt, and proportionably for a greater or lesser quantity; nor shall the vessel, or salt, or the vessel, shall be liable jointly and severally, and the persons bringing or carrying the same, to be imprisoned by any one Justice of the peace by the space of six months, without bail, and until the penalty be paid. And, for establishing an equality in trade, that all salt exported from Scotland to England, and put up board in bond, to be exposed to ports beyond the seas, and provisions for ships in Scotland, and for foreign voyages, may be mixed with Scots salt, paying the same duty for what salt was employed as the like quantity of such salt pays in England, and under the same penalties, forfeitures and provisions, for preventing of frauds, as are contained in the laws of England. And that, from and after the Union, the laws and acts of parliament in Scotland, for passing, curing, and packing of herrings, white fish, and salmon, for exportation with foreign salt only, without any mixture of British or Irish salt, and for the preventing of frauds in curing and packing of fish, be continued in force in Scotland, subject to such alterations as shall be made by the parliament of Great Britain; and that all fish exported from Scotland to parts beyond the seas, which shall be cured with foreign salt only, and without mixture of British or Irish salt, shall have the same crew, provisions, and drive-backs, as are or shall be allowed to such persons as export the like fish from England; and that, for encouragement of the herring fishing, there shall be allowed and paid to the subjects, inhabitants of Great Britain, during the present allowances for other fish, 12s. 3d. sterling for every barrel of white herrings which shall be exported from Scotland; and that there shall be allowed 2s. sterling for every barrel of beef or pork salted with foreign salt, without mixture of British or Irish salt, and exported for sale from Scotland to parts beyond sea, allowable by the parliament of Great Britain. And if any custom of fraud relating to the said duties on salt shall hereafter appear, which are not sufficiently provided against by this Article, the same shall be subject to such further provisions as shall be thought fit by the parliament of Great Britain.

Art. 9. That, whenever the sum of 1,500,000 £s. s^td. shall be enacted by the parliament of Great Britain, to be raised in that part of the united Kingdom now called England, or here, and other things usually charged in acts of parliament there, for granting an aid to the crown by a land tax, that part of the united Kingdom now called Scotland shall be charged, by the same act, with a further sum of 40,000 £s. free of all charges, as the quota of Scotland to such tax, and in propor-

usually for any greater or lesser sum raised in England by any tax on land, and other things usually charged together with the land, and also such sums for Scotland, in the same manner, be raised and collected in the same manner as the same are in Scotland: but subject to such regulations, as the manner of collecting, as shall be made by the parliament of Great Britain.

Art. 10. That, during the continuance of the present disturbances among paper, cotton, and parchment, by the several acts now in force in England, Scotland shall not be charged with the same respective duties.

Art. 11. That, during the continuance of the duties payable in England on windows and lights, which determine on the first day of August, 1793, Scotland shall not be charged with the same duties.

Art. 12. That, during the continuance of the duties payable in England on coals, calms, and candles, which duties are, till the 30th day of September, 1793, Scotland shall not be charged therewith for coals, calms, and candles, consumed there, but shall be charged with the same duties as in England for all coal, calms, and candles not consumed in Scotland.

Art. 13. That, during the continuance of the duty payable in England upon such, which determines the 24th day of June, 1793, Scotland shall not be charged with that duty.

Art. 14. That the Kingdom of Scotland be not charged with any other duties laid on by the parliament of England before the Union, except those consented to in this Treaty, in regard it is agreed, that all necessary provision shall be made by the parliament of Scotland for the public charge and service of that Kingdom, for the year 1794; provided, nevertheless, that the parliament of England shall think fit to lay any further imposition, by way of customs, or such taxes, with which, by virtue of this Treaty, Scotland is to be charged equally with England, in such case, Scotland shall be liable to the same customs and taxes, and have an equivalent to be settled by the parliament of Great Britain, with that further provision, that any such, to be made and assessed as that part of the united Kingdom now called Scotland, shall not be charged with any imposition on salt during the present war, and so long as custom be imposed that the parliament of Great Britain will ever lay, any sort of burden upon the united Kingdom but what they shall find necessary at that time for the preservation and good of the whole, and such due regard to the circumstances and abilities of every part of the united Kingdom, therefore it is agreed, that there be no further exemption imposed upon any part of the united Kingdom; but that the consideration of any exemptions, beyond what are already agreed on in this Treaty, shall be left to the determination of the parliament of Great Britain.

Art. 15. That whereas, by the terms of this Treaty, the subjects of Scotland, for pursuing an equity of trade throughout the united

Kingdom, will be liable to several customs and duties now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union, it is agreed, that Scotland shall have an equivalent for what the subjects thereof shall be so charged towards payment of the said debts of England, in all particulars whatsoever, in manner following, viz. That, before the Union of the said Kingdoms, the sum of 200,000*l.* be granted to his majesty, by the parliament of England, for the same time-mentioned, being the equivalent to be answered to Scotland, for such parts of the said customs and duties upon all exportable liquors, with which that Kingdom is to be charged upon the Union, as well be applicable to the payment of the said debts of England, as owing to the proprietors where the present revenues are worth 1*l.* 10*s.* 6*d.* per gallon, do bear to the customs in England, computed at 2*l.* 10*s.* 6*d.* per gallon, and which the present customs on a vendible deposit in Scotland, being 1*l.* 10*s.* 6*d.* per gallon, do bear to the customs on vendible liquors in England, computed at 2*l.* 10*s.* 6*d.* per gallon, which sum of 200,000*l.* shall be due and payable from the time of the Union; and in regard that, after the Union, Scotland becoming liable to the same customs and duties payable on import and export, and to the same extent on all exportable liquors as in England, as well upon that account, as upon the account of the increase of duties on such people (which will be the happy consequence of the Union) the said revenues will much exceed beyond the before-mentioned annual value thereof, of which an equivalent cannot be made: yet notwithstanding, for the reasons aforesaid, there ought to be a proportionable equivalent answered to Scotland: it is agreed, that, after the Union, there shall be an account kept of the said duties arising in Scotland, so that and it may appear what ought to be answered to Scotland as an equivalent for such proportion of the said revenue as shall be applicable to the payment of the debts of England. And, for the further and more effectual answering the several debts herebefore-mentioned, it is agreed, that, from and after the Union, the whole increase of the revenues of customs and duties on import and export, and duties upon exportable liquors in Scotland, over and above the annual produce of the said respective duties as above stated, shall go and be applied, for the term of seven years to the next breacheer mentioned, and then, upon the said account, there shall be answered to Scotland annually, from the end of seven years after the Union, an equivalent in proportion to such part of the said revenue as shall be applicable to the debts of England; and, generally, that an equivalent shall be answered to Scotland for such parts of the English debts as Scotland may hereafter become liable to pay by reason of the Union, other than such for which appropriations have been made by parliament in England, of the customs and duties on import and export,

sums on all excisable liquors, in respect of which duties, upon spirits are levied before payment, and as for the sum, to which the said sum of 300,000*l*. 10*s*. is to be granted in addition, and all other moneys which are to be assessed or allowed to Scotland as aforesaid, are to be applied, as is agreed, that in the first place, and at the first of June, what contribution shall be found necessary to be lent for any loans which private persons may make, by reducing the coin of Scotland to the standard and value of the coin of England, may be made good: in the next place, that the capital stock in trust of the African and Indian Company of Scotland aforesaid, together with the interest for the said capital stock above the rate of five per cent per annum, from the respective times of the payment thereof, shall be paid; upon payment of which capital stock and interest, it is agreed the said Company be dissolved and cease; and also, first, from the time of passing the act of parliament in England, for raising the said sum of 300,000*l*. 10*s*. the said Company shall pay their debts, and give licence to trade, providing, that, if the said stock and interest shall not be paid in twelve months after the commencement of the Union, that then the said Company may from thenceforward, trade, or give licence to trade, until the said whole capital stock and interest shall be paid: and as to the oversight of the said sum of 300,000*l*. 10*s*. after payment of what considerations shall be lent for loans in raising the coin, and paying the said capital stock and interest, and also the whole increase of the said revenues of customs, duties, and excises, above the present value, which shall arise in Scotland, during the said term of seven years, together with the equivalent which shall become due upon the incorporation thereof in Scotland after the said term, and also, as to all other sums, which, according to the agreement aforesaid, may become payable to Scotland by way of equivalent for what that kingdom shall hereafter become liable towards payment of the debt of England; it is agreed, that the same be applied in manner following, viz. That all the public debts of the kingdom of Scotland, as shall be adjusted by the present parliament, shall be paid; and that 1,000*l*. per annum, for the space of seven years, shall be applied equally in encouraging and promoting the manufacture in woollen wool within those shires which produce the wool, and that the first 500*l*. yearly be paid at Haddington during the space aforesaid, and afterwards, the same shall be with the equal towards the encouraging and promoting the fisheries, and such other manufactures as it appears to be beneficial to any more, conducing to the general good of the United Kingdom. And it is agreed, that her majesty be empowered to appoint commissioners, who shall be sworn before the parliament of Great Britain, for discharging the said sum of 300,000*l*. 10*s*. and all other moneys which shall arise in Scotland upon the agreement aforesaid, to the purposes before men-

tioned, which commissioners shall be empowered to call for, receive, and dispose of the said moneys in manner aforesaid, and to inspect the books of the several collectors of the said revenues, and of all other debts from whom any equivalent may arise; and that the collectors and managers of the said revenues and duties be charged to give to the said commissioners detailed and exact advertisements of the produce of such revenues and duties arising in their respective shires; and that the said commissioners shall have their office within the limits of Scotland, and shall in each office keep books, containing a account of the account of the said revenues, and how the same shall have been disposed of, from time to time, which may be inspected by any of the subjects who shall desire the same.

Art. 16 That from and after the Union, the coin shall be of the same standard and value throughout the United Kingdom as now in England, and a mint shall be continued in Scotland under the same rules as the mint in England; and the present officers of the mint continued, subject to such continuance and alteration as her majesty, her heirs or successors, or the parliament of Great Britain, shall think fit.

Art. 17. That from and after the Union, the same weights and measures shall be used throughout the United Kingdom as are now established in England; and standards of weights and measures shall be kept by those shires in Scotland, to whom the keeping the standards of weights and measures, now in use there, does of special right belong, all which standards shall be sent down to such respective shires, from the standards kept in the Exchequer at Westminster, subject nevertheless to such regulations as the parliament of Great Britain shall think fit.

Art. 18 That the laws concerning regulation of trade, customs, and such excises, in which Scotland is, by virtue of this Treaty, to be bound, be the same in Scotland, from and after the Union, as in England, and that all other laws, in use within the kingdom of Scotland, do, after the Union, and notwithstanding thereof, remain in the same force as before (except such as are contrary to, or inconsistent with this Treaty, but otherwise by the parliament of Great Britain, with due difference between the laws concerning public right, policy, and civil government, and those which concern private right, that the laws which concern public right, policy, and civil government, may be made the same throughout the whole United Kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the subject within Scotland.

Art. 19 That the Court of Session, as College of Justice, do, after the Union, and notwithstanding thereof, remain in all case continuing within Scotland as it is now constituted by the laws of that kingdom, with the same authority and privilege as before the Union,

subject nevertheless to such regulations, for as, before the union of justice, we shall be with the parliament of Great Britain; and that hereafter none shall be named by the judges, or by civil witnesses, to be assize lords at sessions, but such who have served in the ranks of justice in shires, or principal clerks of sessions, for the space of ten years, or as writers in the assize, for the space of ten years, with this proviso, that no writer in the assize be capable to be admitted a lord at the sessions, unless he undergo penance and public trial in the civil law before the faculty of advocates, and be cleared by them qualified for the said office two years before he be named to be a lord of the sessions, yet so as the qualifications made, or to be made, for appointing persons to be a assize with lords of sessions, may be altered by the parliament of Great Britain. And that the Court of Janitorie do also, after the Union, and a marshalling court, common, in all time coming, within Scotland, as it is now constituted by the laws of that Kingdom, and with the same authority and privileges as before the Union, subject nevertheless to such regulations as shall be made by the parliament of Great Britain, and without prejudice at other rights of janitorie; and that all admiralty jurisdictions betwix the lord high admiral, or commissioners for the admiralty, of Great Britain for the same being, and that the court of admiralty now constituted in Scotland be continued, and that all duties, collections, or improvements of the revenues or customs duties, competent to the jurisdiction of that court, remain in the same manner after the Union as now in Scotland, until the parliament of Great Britain shall make such regulations and alterations as shall be judged expedient for the whole United Kingdom, so as there be always continued in Scotland a court of admiralty, such as is established for conservation of all maritime laws relating to private rights in Scotland competent to the jurisdiction of the admiralty court, subject nevertheless to such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain; and that the heretide rights of admiralty, and non-admiralty, in Scotland, be reserved to the respective proprietors as rights of property, subject nevertheless, as to the manner of exercising such heretide rights, as such regulations and alterations as shall be thought proper to be made by the parliament of Great Britain; and that all inferior courts, now in being within the Kingdom of Scotland, do remain, but subject to alterations by the parliament of Great Britain; and that all inferior courts within the said Kingdom remain subordinate, so they are now, to the supreme courts of justice within the same, in all time coming; and that no manner in Scotland be cognizable by the courts of Chancery, Queen's Bench, Common Pleas, or any other court in Westminster-hall; and that the said judges, or any judge on the like manner, after the Union, shall have no

power to cognize, review, or alter the acts or sentences of the judicatures within Scotland, or stop the execution of the same, and that there be a court at Edinburgh in Scotland, after the Union, for deciding questions now coming the instance of customs and excises there, having the same power and authority as such courts the court at Exchequer has in England; and that the said court of Exchequer in Scotland have power of proving signatures, seals, testaments, and in other things, as the court of Exchequer at present in Scotland hath, and that the report of Exchequer be now in Scotland be revised, and a new court of Exchequer be settled by the parliament of Great Britain in Scotland after the Union. And that, after the Union, the queen's majesty and her royal successors may continue a privy council in Scotland, for governing of public peace and order, and the parliament at Great Britain shall think as to alter it, or establish any other effectual council for that end.

Art. 20. That all heretide offices, squireships, heretide jurisdictions, offices for life, and jurisdictions for life, be reserved to the owners thereof, as rights of property, in the same manner as they are now enjoyed by the laws of Scotland, notwithstanding the Union.

Art. 21. That the rights and privileges of the royal houses in Scotland, as they now are, do remain entire after the Union, and notwithstanding thereof.

Art. 22. That, by virtue of this Treaty, of the part of Scotland as the near of the Union, 20 shall be the number to sit and vote in the House of Lords, and 45 the number of the representatives of Scotland in the House of Commons of the parliament of Great Britain; and that, when her majesty, her heirs or successors, shall declare her or their pleasure for holding the first or any subsequent parliament of Great Britain, and the parliament of Great Britain shall make further provisions therein, as well do vote under the great seal of the United Kingdom, directed to the privy council of Scotland, commanding them to cause 20 peers, who are to sit in the House of Lords, to be summoned to parliament, and 45 members to be elected to sit in the House of Commons of the parliament of Great Britain, according to the agreement in this Treaty, in such manner as by an act of the present session of the parliament of England is or shall be enacted, which act is hereby declared to be as valid as if it were a part of, and incorporated in, this Treaty; and that the names of the persons, so summoned and elected, shall be returned by the privy council of Scotland into the exam from whence the said writ did issue; and that after request, on or before the first day of May next, on which day the Union is to take place, shall declare, under the great-seal of England, that it is expedient, that the Lords of parliament of England, and Commons of the present parliament of England, should be the members of the request as before of the last parliament of Great Britain, for and on the part of Eng-

land, that the said Lords of parliament of England, and Commons of the present parliament of England, shall be the members of the respective Houses of the first parliament of Great Britain, to and on the part of England; and her Majesty may, by her royal proclamation under the great-seal of Great Britain, appoint the said first parliament of Great Britain to meet at such time and place as her Majesty shall think fit, which time shall not be less than 20 days after the date of such proclamation; and the time and place of the meeting of each parliament not being so appointed, a writ shall be immediately issued, under the Great-Seal of Great Britain, directed to the peerage council of Scotland, for the summoning the 16 peers, and for electing 45 members, by whom Scotland is to be represented in the parliament of Great Britain; and the lords of parliament of England, and the 16 peers of Scotland, each 16 peers being summoned and returned in the manner agreed in this Treaty, and the members of the House of Commons of the said parliament of England, and the 45 members for Scotland, each 45 members being elected and returned in the manner agreed in this Treaty, shall assemble and meet respectively in their respective Houses of the parliament of Great Britain, at such time and place as shall be so appointed by her Majesty, and shall be the two Houses of the first parliament of Great Britain; and that parliament may continue for such time only as the present parliament of England might have continued, if the Union of the two kingdoms had not been made unless sooner dissolved by her Majesty. And that every one of the Lords of parliament of Great Britain, and every member of the House of Commons of the parliament of Great Britain, in the first and all succeeding parliaments of Great Britain, until the parliament of Great Britain shall otherwise direct, shall take the respective oaths appointed to be taken, instead of the oaths of allegiance and supremacy, by an act of parliament made in England, in the first year of the reign of the late King William and Queen Mary, intitled, "An Act for the abrogating of the oaths of supremacy and allegiance, and appointing other oaths," and make, subscribe, and visibly repeat, the declarations mentioned in several of the parliaments made in England, in the 35th year of the reign of King Charles the 2d, intitled, "An act for the more effectual preserving the King's person and government, by disabling papists from sitting in either House of parliament;" and shall take and subscribe the oath mentioned in an act of parliament made in England, in the first year of her Majesty's reign, intitled, "An Act to declare the abrogation in this oath appointed to be taken by the act, intitled, 'An act for the further security of her Majesty's person, and the succession of the crown to the Protestant line, and for extinguishing the hopes of the pretended princes of Wales, and all other, pretensions, and their adherents, and for declaring the success-

tion to be determined;" at such time, and in such manner, as the members of both Houses of parliament of England may, by the said respective acts, directed to take, make, and subscribe the same, upon the petitioners and declarants in the said respective acts mentioned. And it is declared and agreed, that these words, "This realm, the crown of this realm, and the government of this realm," mentioned in the oaths and declaration contained in the aforesaid acts, which were intended to signify the crown and realm of England, shall be understood of the crown and realm of Great Britain; and that, in that sense, the said oaths and declaration be taken and subscribed by the members of both Houses of the parliament of Great Britain.

Art. 23. That the aforesaid 16 peers of Scotland, mentioned in the last preceding article to sit in the House of Lords of the parliament of Great Britain, shall have all privileges of parliament which the peers of England now have, and which they, or any peers of Great Britain, shall have after the Union, and particularly the right of sitting upon the trials of peers; and, in case of the trial of any peer in time of adjournment or prorogation of parliament, the said 16 peers shall be intimated in the same manner, and have the same power and privileges at such trial, as any other peers of Great Britain. And that in case any trials of peers shall hereafter happen when there is no parliament is being, the 16 peers of Scotland, who sat in the last preceding parliament, shall be summoned in the same manner, and have the same power and privileges at such trials, as any other peers of Great Britain. And that all peers of Scotland, and their successors to their houses and dignities, shall, from and after the Union, be peers of Great Britain, and have rank and precedence next and immediately after the peers of the like orders and degrees in England, at the time of the Union, and before all peers of Great Britain, of the like orders and degrees, who may be created after the Union, and shall be tried as peers of Great Britain, and shall enjoy all privileges of peers as fully as the peers of England do now, or as they or any other peers of Great Britain may hereafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon, and particularly the right of sitting upon the trials of peers.

Art. 24. That, from and after the Union, there be one great-seal for the United Kingdom of Great Britain, which shall be different from the great-seal now used in either Kingdom; and that the quartering the arms, and the rank and precedence of the Lion King of arms, of the Kingdom of Scotland, as may be met in the Union, be left to her Majesty; and that, in the mean time, the great-seal of England be used as the great-seal of the United Kingdom, and that the great-seal of the United Kingdom be used for making writs to elect and summon the parliament of Great Britain, and

his or her devotion to the crown, peace and concord, that they shall inviolably maintain and preserve the foresaid settlement of the true Protestant religion, with the worship, discipline, rites, and privileges of the church, as above established by the laws of the Kingdom, in conformity to that issue of Royal Assent, and in happy memory and remembrance, that the Acts of Parliament, with the establishment thereof contained, shall be held and observed, in all times coming, as a fundamental and essential condition of any Treaty or Union to be concluded between the two Kingdoms, without any alteration thereof, or derogation thereon, in any way, for ever. And also, that this Act of Parliament, and without thereof contained, shall be held and reported in any Act or Parliament that shall pass, for agreeing and concluding the foresaid Treaty or Union between the two Kingdoms, and that the same shall be therein expressly declared to be a fundamental and essential condition of the said Treaty or Union, as it was among West Articles of Union, and Act immediately above-mentioned her Majesty, with advice and consent of the Lords, Bishops, Clergy and Commons to be, and continue, in all times coming, the true and perpetual foundation of a complete and entire Union of the two Kingdoms of Scotland and England, under the express conditions and provisions, that the approbation and ratification of the foresaid Articles and Act shall be no ways binding on the Kingdom, until the said Articles and Act be ratified, approved, and confirmed, by her Majesty, with and by the authority of the parliament of England, as they are now agreed to, approved, and confirmed, by her Majesty, with and by the authority of the parliament of Scotland. Declaring nevertheless that the parliament of England may provide for the security of the Church of England as they shall expedient, to take place within the bounds of the said Kingdom of England, and not derogating from the security above provided, for the establishing of the church of Scotland within the bounds of the Kingdom. And also, the said parliament of England may amend the addition and other provisions contained in the Articles of Union, as above recited, in favour of the subjects of Scotland, to and in favour of the subjects of England, which shall in no respect or derogate from the force and effect of this present ratification, but shall be understood as herein included, without the necessity of any new ratification in the parliament of Scotland. And, lastly, her Majesty doth enact and declare, that all laws and statutes in this Kingdom, so far as they are contrary to, or inconsistent with, the terms of the said Articles and Act above-mentioned, shall from and after the Union, become and become void.

And whereas in the last part of the present Act of Parliament, entitled, "An act for securing the church of England as by law established," the same is further declared, Whereas, by an act made in the eighth year of parliament, held in the 5th and 6th year of her Majesty's

reign, whereby her Majesty was empowered to appoint commissioners, under the great seal of England, to treat with commissioners, to be appointed by the parliament of Scotland, concerning an Union of the Kingdoms of England and Scotland, it is provided and enacted, That the commissioners to be named in pursuance of the said act should consist of or consist of an alteration of the laws, rites, ceremonies, discipline, or government of the church, as by law established within the realm, and whereas certain commissioners appointed by her Majesty, in pursuance of the said act, and also other commissioners, nominated by her Majesty, by the authority of the parliament of Scotland, have met and agreed upon a Treaty or Union of the said Kingdoms, which Treaty is now under the consideration of the present parliament, and whereas the said Treaty, with some alterations therein made, is ratified and approved by act of parliament in Scotland, and the making of ratification is by her Majesty's royal command had before the parliament of this Kingdom; and whereas it is reasonable and necessary that the true Protestant religion professed and established by law in the church of England, and the doctrine, worship, discipline, and government thereof, should be effectually and unalterably secured; Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and the Commons in this present parliament assembled, and by authority of the same, that an act made in the 13th year of the reign of queen Elizabeth of Great Britain, entitled, "An act for the security of the church to be of sound religion," and also another act made in the 15th year of the reign of the late king Charles 2, entitled, "An act for the security of public prayers and administration of sacraments, and other rites and ceremonies, and for establishing the form of saying, receiving, and consecrating baptism, penance, and communion, in the church of England" (wherein these said clauses in the said acts, or either of them, as have been repealed or altered by any subsequent act or acts of parliament), and all and singular other acts of parliament now in force, for the establishment and preservation of the church of England, and the doctrine, worship, discipline, and government thereof, shall remain and be in full force for ever. And be it further enacted, by the authority aforesaid, that after the death of her Majesty (whose God long preserve!) the aforesaid laws according to her Majesty in the royal government of the Kingdom of Great Britain, and so far ever heretofore every king of queen succeeding and coming to the royal government of the Kingdom of Great Britain, or having her coronation, shall in the presence of all persons who shall be attending, attending, or otherwise then and there present, take and subscribe an oath to maintain and preserve inviolably the said settlement of the church of England, and the doctrine, worship, discipline, and government thereof, as by law established within the King-

doms of England and Ireland, the dominions of Wales, and towns at Berwick upon Tweed, and the territories thenceforth belonging. And be it further enacted, by the authority aforesaid, that do enact, and all, and every the matters and things therein contained, be, and shall be ever hereafter adjudged to be by law established, and several part of any Treaty of Union to be concluded between the said two kingdoms, and also that do not shall be inserted in express terms in any act of parliament which shall be made for settling and settling any such Treaty of Union, and shall be therein declared to be an essential and fundamental part thereof. May it, therefore, please your most excellent majesty, that a way be enacted, and be it enacted by the queen's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present parliament assembled, and by authority of the same, that all and every the said Articles of Union as aforesaid and approved by the said act of parliament of Scotland as aforesaid, and before here particularly mentioned and inserted, and also the said act of parliament of Scotland, for establishing the Protestant religion, and Presbyterian church government, make that Longman, intitled, "Act for securing the Protestant religion and Presbyterian church government," and every clause, matter, and thing in the said Articles and Act contained, shall be, and the said Articles and Act be hereby for ever enacted, approved, and confirmed. And it is hereby further enacted, by the authority aforesaid, that the said act passed in this present estate of parliament, intitled, "An act for securing the church of England as by law established," and all and every the matters and things therein contained, and also the said act of parliament of Scotland, intitled, "Act for securing the Protestant religion and Presbyterian church government," with the establishment in the said act contained, be, and shall be ever hereafter adjudged to be and observed as fundamental and essential conditions of the said Union, and shall in all times coming be taken to be, and are hereby declared to be, essential and fundamental parts of the said Articles and Union: and the said Articles of Union as an essential matter, approved, and confirmed, by act of parliament of Scotland, and by this present act, and the said act passed in this present estate of parliament, intitled, "An act for securing the church of England as by law established," and also the said act passed in the parliament of Scotland, intitled, "Act for securing the Protestant religion and Presbyterian church government," are hereby enacted and ordered to be read, continued, in all times coming, the complete and entire Union of the two kingdoms of England and Scotland.

And whereas, since the passing the said act in the parliament of Scotland for settling the said Articles of Union, one other act, intitled, "Act, settling the number of shewing that 16 peers and 43 members to represent Scotland

in the parliament of Great Britain," hath likewise passed in the said parliament of Scotland, at Edinburgh, the fifth day of February 1707, the tenor whereof follows. Our sovereign lady considering, that, by the 22nd Article of the Treaty of Union, as the same is ratified by an act passed in this estate of parliament upon the 10th of January last, it is provided, that, by virtue of the said Treaty, at the peace of Scotland, at the time of the Union, it shall be the number 16 and vote in the House of Lords, and 16 the number of the representatives of Scotland in the House of Commons, of the parliament of Great Britain; and that the said 16 peers, and 43 members in the House of Commons, be named and chosen in such manner as by a subsequent act in this present estate of parliament in Scotland should be enacted; which act is thereby declared to be enacted, as if it were a part of, and imposed on, the said Treaty; therefore, her majesty, with advice and consent of the estates of parliament, viz. the Lords, commons, and commons, that the said 16 peers, who shall have right to sit in the House of Peers in the parliament of Great Britain on the part of Scotland, by virtue of this Treaty, shall be named by the said peers of Scotland whom they represent, their heirs, or successors in their dignities and honours, out of their own number, and that by open election and plurality of voices of the prelates, and of the peers for such as shall be absent, the said peers being peers, and producing a majority in writing duly signed before witnesses, and both the names of and peers being qualified according to law; declaring also, that such peers as are absent, being qualified as aforesaid, may send to all such meetings lists of the peers whom they judge fit, validly signed by the said absent peers, which shall be reckoned in the same manner as if the parties had been present, and given in the said list; and in case of the death or legal incapacity of any of the said 16 peers, that the absent peers of Scotland shall nominate another of their own number in place of the said peer or peers in manner before and after mentioned. And that of the said forty-five representatives of Scotland in the House of Commons in the parliament of Great Britain, they shall be chosen by the electors or electresses, and shew by the several boroughs, as follows, viz. one for every shire and county, excepting the shires of Berwick, Caithness, which shall choose one by twice, Berwick having the first election; the shires of Nairn and Cromarty, which shall also choose by twice, Nairn having the first election; and in like manner the shires of Clackmannan and Kinross shall choose by twice, Clackmannan having the first election. And in case of the death or legal incapacity of any of the said members from the respective shires or shewries above mentioned, to sit in the House of Commons; it is enacted and ordained, that the shire or shewry who elected the said member shall elect another member in his place. And that the said 16 represen-

interest for the royal boroughs be chosen as follows, viz. That the town of Edinburgh shall have right to elect and send one member to the parliament of Great Britain, and that each of the other boroughs shall elect a commissioner in the same manner as they are now in use to elect commissioners to the parliament of Scotland, which commissioners and borough (Edinburgh excepted, being divided in 14 classes or districts, shall meet at such time and borough within their respective districts as her majesty, her heirs or successors, shall appoint, and elect one for each district, viz. the borough of Kirkcaldy, Wark, Dunrobin, Dingwall and Tain, one; the borough of Elgin, Rosemarkie, Nairn and Forres, one; the borough of Nigg, Cullen, Banff, Inverury and Kintore, one; the borough of Aberdeen, Banchory, Montrose, Aberkirkland and Banchory, one; the borough of Forfar, Perth, Dundee, Cowper and St. Andrews, one; the borough of Coull, Kilsnoo, Auchterhouse, Auchterhouse Water, and Painswick, one; the borough of Duns, Kirkcaldy, Kinghorn and Brechin, one; the borough of Inverkeithing, Dundee, Queensferry, Culross and Stirling, one; the borough of Oban, Brechin, Rattray and Dunsinane, one; the borough of Haddington, Duns, North Berwick, Leander and Jedburgh, one; the borough of Selkirk, Peebles, Linlithgow and Lauder, one; the borough of Dunfermline, Scone, Arbroath, Lochmaben and Kirkcaldy, one; the borough of Wigton, New Galloway, Stranraer and Whithorn, one; and the borough of Ar, Inver, Rothsay, Campbeltown and Tarrary, one. And it is hereby declared and ordained, that where the votes of the commissioners for the said boroughs, next to choose representatives from their several districts to the parliament of Great Britain, shall be equal, in that case the president of the meeting shall have a casting or decider vote, and that by and according to his vote as a commissioner from the borough from which he is sent, the commissioner from the eldest borough prevailing in the first meeting, and the commissioners from the other boroughs in their respective districts prevailing afterwards by turns, in the order as the said boroughs are now called in the rolls of the parliament of Scotland. And that in case any of the said 12 commissioners from boroughs shall die, or become legally incapable to sit in the House of Commons, then the town of Edinburgh, or the district which choose the said member, shall elect a member in his or their place. It is always hereby expressly provided and declared, that none shall be capable to elect or be elected for any of the said estates but such as are of full years of age, competent, and Protestant, excluding all Papists, or such who, being suspect of Popery and reported, refuse to swear and subscribe the formula contained in the oath act, made in the eighth and ninth sessions of King William's parliament, entitled, 'Act for preventing the growth of Popery,' and also declaring, that none shall be capable to elect or be elected to represent a shire or borough

in the parliament of Great Britain for this part of the United Kingdom, except such as are now capable by the laws of this kingdom to elect or be elected as commissioners for shires or boroughs to the parliament of Scotland. And further, her majesty, with advice and consent aforesaid, for the effectual and orderly election of the persons to be chosen to sit, vote, and serve, in the respective houses of parliament of Great Britain, when her majesty, her heirs or successors, shall declare her or their pleasure for holding the first, or any subsequent parliament of Great Britain, and when for that effect a writ shall be issued out under the great seal of the United Kingdom, directed to the great council of Scotland, conform to the said 20th Article, statutes, customs and orders, That, until the parliament of Great Britain shall make further provision therein, the said writ shall contain a warrant and command to the said great council to issue out a proclamation in her majesty's name, repairing the great council of Scotland for the time to meet and assemble at such time and place within Scotland as her majesty and royal successors shall think fit, to make elections of the said several peers; and repairing the lord clerk register, or two of the clerks of session, to attend all such meetings, and to administer the oaths that are or shall be by law required, and to ask the votes; and, having made up the lists in presence of the meeting, to return the names of the 25 peers chosen (certified under the subscription of the said lord clerk register, clerk or clerks of session attending) to the clerk of the privy council of Scotland; and, in like manner, repairing and ordering the several freeholders in the respective shires and burghs to meet and convene at the head borough of their several shires and burghs, to elect their commissioners, conform to the order above set down, and ordering the clerks of the said meetings, immediately after the said elections are over, respectively to return the names of the persons elected to the clerks of the privy council; and, lastly, ordering the city of Edinburgh to elect their commissioner, and the other royal boroughs to elect each of them a commissioner, as they have been in use to elect commissioners to the parliament, and to send the said respective commissioners, at such times, to each borough within their respective districts as her majesty and successors, by such proclamations, shall appoint; repairing and ordering the common clerk of the respective boroughs, where such directions shall be appointed to be made, to attend the said meetings, and immediately after the election to return the names of the persons so elected (certified under his hand) to the clerk of privy council; to the end that the names of the 16 peers, 20 commissioners for shires, and 12 commissioners for boroughs, being so returned to the privy council, may be returned to the court from whence the writ shall issue, under the great seal of the United Kingdom, conform to the said 20th Article. And whereas, by the said 20th Article, it is agreed, that if her ma-

jury shall, on or before the 1st day of May next, declare that it is expedient the Lords and Commons of the present parliament of England should be the members of the respective Houses of the first Parliament of Great Britain, for and on the part of England; they shall accordingly be the members of the said respective Houses for and on the part of England; her majesty, with adequate contentment affirmed, in that regard only, doth hereby statute and ordain, that the 36 peers and 45 commissioners for shires and burghs, who shall be chosen by the peers, barons and burghs, respectively, in this present session of parliament, and out of the members thereof, in the same manner as commissioners of parliament are usually now chosen, shall be the members of the respective Houses of the said first parliament of Great Britain for and on the part of Scotland, which nominations and elections being certified by a writ under the great clerk royal's hand, the persons so nominated and elected shall have right to sit and vote in the House of Lords, and in the House of Commons, of the said first parliament of Great Britain, as by the said act passed in Scotland for setting the manner of electing the 36 peers and 45 members to represent Scotland in the parliament of Great

Britain may appear, he is therefore further enacted and declared, by the authority aforesaid, that the said last-mentioned act passed in Scotland for setting the manner of electing the 36 peers and 45 members to represent Scotland in the parliament of Great Britain, as aforesaid, shall be, and the same is hereby declared to be, so valid and of the same legal force and effect, as if the same had been passed, ratified and approved by the said act of parliament of Scotland, and by the said act as aforesaid. Ego Mathew Johannes Armiger Clericus Parliamentarius, urbane hinc diei Decembris Regibus de consensu, modo directis & legitime. Certifica superius hoc scriptum verum esse totorum actuum Parliamentariorum capitulis in se habere expressis. In regibus rei memoriam hinc subdilecto sapientiam vestram approbo, remanere meum subscrípsum. Dat. regibus de Martis anno regni decembris Decembris Regibus quatuor, annoque Decembris collectum crydologorum anno. Math. Johnson. Nos regibus republi- cationis hinc & rebus predictis, hinc an- nunciations per personam. In regibus rei memoriam hinc hinc nostris hinc hinc patentes. Tunc regibus republi- cationis de Martis anno regni decembris quatuor.

Warrant.

N^O III.

LIST OF PUBLIC ACTS, PASSED DURING THE REIGN OF QUEEN ANNE.

ANNO 1 ANNE.

7. An Act for the better support of her majesty's household, and of the honour and dignity of the crown. 8. For explaining a clause in an act made at the parliament begun and holden at Westminster, the 23rd of November in the 16th year of the reign of our sovereign lord King William the Third, entitled, An act for the better security of his majesty's royal person and government. 9. For continuing the act made in the 6th year of his late majesty's reign, for better preventing the counterfeiting the current coin of this Kingdom. 10. For taking, examining and stating the public accounts of the Exchequer. 11. For reviving the act, entitled, An act for accepting apothecaries from serving the offices of constable, coroner, and other parish and ward offices, and from serving upon juries. 12. For granting an aid to her majesty, by duties upon wool and wool-wax. 13. For making good defalcations, and for preserving the public credit. 14. For enabling her majesty, as against counterfeits, to treat for an Union between the Kingdoms of England and Scotland. 15. To increase the water-works of Great Britain. 16. For the reducing and securing upon the Cotton-wool trade. 17. For extending and enlarging the time made within the 9th year of his late majesty's reign, entitled,

An act for the setting and adjusting the proportions of fine silver and gold, and for the better making of gold and silver thread, and to prevent the abuses of new-dresses. 18. To explain and alter the act made in the 22nd year of King Henry the Eighth, concerning repairing and mending of bridges in the highways; and for repealing an act made in the 2nd year of queen Elizabeth, for the rebuilding of Carlisle bridge in the county of Cumberland; and also for changing the day of election of the wardens and assistants of Rotherham bridge. 19. For the rebuilding and repairing the town and part of Whitby in the county of York. 20. For making the river Derwent, in the county of York, navigable. 21. For governing fish in the waters upon salt, and for the better payment of debentures at the exchequer-house. 22. To declare the alterations in the oath appeared to be taken by the wret entitled, An act for the further security of his majesty's person, and the succession of the crown in the protestant line; and for extending the hopes of the persecuted people at Wales, and all other protestants, and their open and secret obstructions; and for declaring the association to be unlawful. 23. For raising these duties for the year 1702, notwithstanding the month's pay formerly advanced by

not repaid. 22. For the continuing the great charter in England and Wales, until the 1st day of Hilary term next, unless her majesty shall think fit to determine them sooner. 23. For the relief of poor growers of dale. 24. For the relief of the masters of hogs, and other beasts carrying dale, that their usual positions within the port of London. 25. For the importation of fire brim stone into. 26. For improving and lightening the soil of the growth of flax, from the port of Loughswilly. 27. For the continuing the improvement of Convent, and others, for the better competency to accommodate the person of his late beloved majesty King William the Third. 28. To oblige the Jews to maintain and provide for their Protestant children. 29. For making more effectual the payment out of the forfeited estates in Ireland, for the building of churches, and augmenting small parishes in Ireland. 30. For the relief of the Protestant purchasers of the forfeited estates in Ireland.

I done, Stat 3. 1. For granting to her majesty a land-tax, for carrying on the war against France and Spain. 2. For enabling her majesty, to raise a revenue for supporting the dignity of her royal highness Prince George Frederick of Hanover, in case he shall survive her majesty. 3. For granting a supply to her majesty by several duties imposed upon malt, meat, cider, and perry. 4. For continuing the duties upon coach, wine, and molasses. 5. For granting an aid to her majesty by sale of several manors at the exchequer, for carrying on the war against France and Spain. 6. For the better preventing corruption at the Queen's Bench and Fleet prisons. 7. For explaining and making effectual a late statute concerning the houses and parts of the borough of Great Yarmouth, and for confirming the rights and privileges of the said borough. 8. For explanation of a clause in an act made in the 7th year of his late majesty's reign, relating to landrags, and to take off the additional solemnity upon Irish linen. 9. For punishing of accessories to felonies, and recovery of stolen goods, and to prevent the evil haunting and destroying of ships. 10. For the better repairing and mending the highways from the north end of Thetford Chace, in Woodford in the county of Essex. 11. For mending the river Great Ouse, in the county of Cambridge, upon navigable, from Chyngate Ferry to the Queen's Mill, in the county and town of Cambridge. 12. For the finishing and adorning the cathedral church of St. Paul, London. 13. For continuing former acts for exporting leather, and for ease of paper, and for mending and making more effectual an act relating to vapours. 14. For the encouraging the consumption of washed coals, and for the better preventing the running of French and foreign breads. 15. For granting to her majesty several subsidies for carrying on the war against France and Spain. 16. For punishing officers and soldiers who shall mistreat or desert her majesty's service in England or Ireland,

and for punishing false musters, and for better payment of quarters in England. 17. For enlarging the time for taking the oath of abjuration, and also for re-appointing and indemnifying such persons as have not taken the same by the time limited, and shall take the same by a time to be appointed; and for the better security of her majesty's person, and the convenience of the crown in the protestant line; and for attaguarding the lapses of the pretended prince of Wales, and all other pretenders, and their spies and secret abettors. 18. For the more effectual promoting the labour and trade of persons employed in the working up the woolen, linen, flaxen, cotton, and other manufactures of the Kingdom. 19. For taking, examining, and among the public accounts of the Kingdom. 20. For raising and continuing the late acts for approving commissioners to take, examine, and determine the debts due to the crown, and for transport service, and also an account of the prize taken during the late war. 21. For admitting the sale of the forfeited estates in Ireland, and for raising such an revenue as shall be by the present trustees, to her majesty, her heirs and assigns, for such uses as the same were before vested in the said trustees, and for the more effectual selling and setting the said estates to Protestants, and for explaining several acts relating to the said Kingdom, and to Edward Howard. 22. For preventing frauds in her majesty's duties upon stamped vellum, parchment and paper. 23. For raising the value of the Kingdom for the year 1707, notwithstanding the month's pay formerly advanced be not repaid. 24. To oblige Kils and Wiltshire, to account for such sums of public money as have been recovered by him.

2 done. 1. For granting an aid to her majesty by a land tax, to be levied in the year 1704. 2. For granting an aid to her majesty, by continuing the duties upon malt, meat, cider and perry, for one year. 3. For granting an aid to her majesty, for carrying on the war, and other her majesty's occasions, by selling manors at several times, and for such regulations terms or estates as are therein mentioned. 4. For the public registering of all deeds, conveyances and writs, that shall be made of any houses, manors, lands, tenements, or hereditaments, within the West Riding of the county of York, after the 24th of September, 1704. 5. To repeal a provision in an act of the fourth year of the reign of King William and Queen Mary, which prevents the officers of the city of York from disposing of their personal estates in their wills, as others inhabiting within the province of York by that act may do. 6. For the increase of justice, and better encouragement of commerce, and security of the coal trade. 7. For enlarging the term of years granted to an act passed in the session of parliament, held in the 11th and 12th years of King William 3, for the repair of Dover harbour. 8. For the raising a supply in the city of Worcester, and for setting the poor on

ment of stipends, to be sold for raising a further supply to her majesty, for the service of the year 1707, and other uses therein expressed. 30 For the better improvement of the salt-hating company. 31 For repairing the highway between Fording in the county of Bedford, and the town of Slough in the county of Bucks. 32 To explain and amend an act of the last session of parliament for preventing frauds frequently committed by bankrupts. 33 To subject the estate of Thomas Howard to the creditors of Thomas Paken, notwithstanding any arrestment or composition made by the creditors of the said Thomas Paken. 34 For discharging small tithes from their first fruits and tenths, and all arrears thereof. 35 For making the same more effectual for appropriating the forfeited impropriations in Ireland, for the building of churches, and augmenting poor schools there. 36 For repairing the highways between Shepherds-Bread and the Downs, and between the top of Addington Hill and River Ford, in the county of Wilts. 37 For continuing several subsidies, impositions and duties, and for making provisions therein mentioned, to raise money by way of loan for the service of the war, and other her majesty's necessary and important occasions; and for ascertaining the same manner. 38 For enacting the duties for the year 1707, notwithstanding the statute's heretofore advanced for not repeal'd, and for an account to be made of money raised. 39 For ease of her majesty's subjects in relation to the duties upon salt, and for making the like allowances upon the exportation of white herrings, fish, oatmeal, and grain called bear olive lugs, and are to be made upon exportation of the like from Scotland. 40 For the better securing her majesty's possessions of Clifton House in Westminster. 41 For the securing the discovery and apprehending of house-breakers. 42 For the continuing the laws for the punishment of vagrants, and for making such laws more effectual. 43 For obliging John Rice to account for delinquency granted to him in the last session of parliament. 44 For continuing the laws therein mentioned relating to the poor, and to the buying and selling of cattle in Southfield, and for suppressing of piracy.

6 Anne. 1. For granting an aid to her majesty, to be raised by a land tax in Great Britain, for the service of the year 1709. 2 For repealing and declaring the dissolution of two acts passed in the parliament of Scotland, the one entitled, *An Act for the security of the kingdom*; the other, *An Act concerning the war*. 3 For the better securing the duties of East India goods. 4 For changing and amending the duties upon salt, sugar, cyder and perry, for the service of the year 1710. 5 For raising a further supply to her majesty, for the service of the year 1709, and other uses, by sale of annuities charged on a land tax exceeding 40,000*l* per annum, to be rais'd by appropriating several villages, and by granting several

leases in the duties on beer wine, and on hackney, pedlar's and petty chapmen, &c. except duties, the one third solely, the duty on excise, and one of the two thirds of excise, and by making other provisions in this act mentioned. 6 For rendering the Union of the work-houses more extensive and complete. 7 For the security of her majesty's person and government, and of the succession to the crown of Great Britain in the Protestant line. 8 For encouraging the dressing and dyeing of woollen cloths within the kingdom, by laying a duty upon broad cloth exported white. 9 For the exportation of clean woollen cloth. 10 For the better securing her majesty's land forces and the revenues, for the service of the year 1709. 11 For continuing one half part of the salaries of judges and physicians, and other duties upon victs, goods and merchandise imported, which were granted to the crown in the twelfth year of the reign of King Charles II, and for settling a land duty, and by other ways and means, for payment of annuities, not exceeding 50,000*l* per annum, to be sold for raising a further supply to her majesty, for the service of the year 1709, and other uses therein expressed. 12 To explain the act of the last session of parliament, for the ease of her majesty's subjects in relation to allowances out of the duties upon salt carried overboard, and also an act of the first year of her majesty's reign, in relation to certain salt-works near the seaboard and bay of Malden in the county of Kent. 13 For the better securing the trade of the kingdom by customs and excise. 14 For the better security of her majesty's person and government. 15 To empower her majesty to arrest and detain such persons as her majesty shall suspect are conspiring against her person and government. 16 For repealing the act of the first year of King James II, entitled, *An Act for the well parking of spaces*; and for granting an equivalent to the city of London, by admitting brokers. 17 For entering to the English company trading to the East Indies, an account of the stated stock, a league taken in the said trade therein mentioned, and for raising thereby the sum of 1,500,000*l* for carrying on the war, and other her majesty's necessities. 18 For the more effectual discovery of the death of persons pretended to be alive, to the prejudice of those who claim estates after their deaths. 19 For continuing the land colonies therein mentioned with several improvements and other duties, to raise money by way of loan, for the service of the war, and other her majesty's necessary and important occasions, and for clearing of prior goods and arrears, and for making off the discharges of foreign creditors, and to clear the chancery's expensures of writs and bills. 20 For continuing an aid made in the third year of her majesty's reign, entitled, *An Act for punishing piracy and robbery, and for the security, and for the better provision of the army and quarters*. 21 For the rendering of duties and questions touching the customs of foreign commodities

for and collegiate churches. 32 For continuing several duties therein mentioned, upon tithes, churches, houses, pictures, and windows, and additional duties upon several of the said commodities, and certain duties upon cellars, chimneys, and drugs; and for continuing the duties called the two third subsidies of tonnage and poundage; for preserving the public credit; and for authorizing the charges of courts supported for foreign ports, and for settling the debts of the bank of England; and for passing several accounts of taxes raised in the county of Northampton, and for procuring the consumption of such tobacco as shall hereafter be brought to the duties. 33 To give further provision for raising and improving water-parks of Scotland, to act in the house of peers in the parliament at Great Britain, and for trying persons for offences committed in Scotland; and for the further regulating of votes in election of members to serve in parliament. 34 For the further directing the payment of the equivalent money. 35 To enable her majesty to make letters and copies of letters, lands and hereditaments, parcel of her duchy of Cornwall, or annexed to the same. 36 For settling and establishing a court of admiralty in the north part of Great Britain, called Northwick. 37 To enlarge the time for returning the certificates of all vessels entered foreign, and exceeding the yearly value of 500; as also for discharging all vessels of that value from the payment of that duty; and for allowing time to archbishops and bishops, and other dignitaries, for payment of their next debts. 38 For continuing the act for rectifying the titles of foreign and the. 39 To repeal a clause in an act of the seventh year of the reign of his late majesty, for amending and repairing the high-ways which require highways and others, to draw with a pole between the wheel horses, or with double shafts, and to oblige them to draw only with six horses, or other teams, except up hills. 40 For continuing the river of foreign ports in her majesty's plantations in America. 41 For the better preventing mischief that may happen by fire. 42 For regulating the establishment of the clerks of the governor, deputy governor, or directors, and voters of the governor and company of the Bank of England. 43 For the importation of cochineal from any ports in Spain, during the present war, and six months longer. 44 For limiting a time to persons to come in and make their claims to any of the forfeited estates and other interests in Ireland, sold by the trustees for sale of those estates to the governor and company for making hollow steel bullets in England, and divers other particulars. 45 For the better regulating of all debts, conveyances, with and other instruments that shall be made of, or that may affect any houses, tenements, lands, or premises in hereditaments, within the West Riding of the county of York, or the town and county of the town of Kingston upon Hull, after the fifth of September, 1704, and for the mending the registry in the West Riding, more completely.

46 For mending the registry of the layman for the year 1705, although the monthly registry was advanced for that year. 47 For the encouragement of the trade to America. 48 June. 1. For granting an aid to her majesty to be raised by a land tax in Great Britain, for the service of the year 1705. 2. For the speedy and effectual carrying her majesty's land forces and revenues for the service of the year 1705. 3. For charging and continuing the duties upon such, wine, cyder and perry, for the service of the year 1705. 4. For punishing customs and revenues, and false returns, and for the better payment of the same, and quarters. 5. For maintaining foreign Protestants. 6. For explaining and making more effectual that part of an act passed in the fifth year of her present majesty's reign, concerning the buying and selling of cattle in Scotland; and for giving power for bringing up calves dead in London, as formerly. 7. For enlarging the capital stock of the Bank of England, and for raising a further supply to her majesty, for the year 1705. 8. For continuing several impositions and duties, to raise money by way of loan; and for exporting British copper and brass wire, duty free; and for circulating farther man in Tobacco pipes, in case a new contract be made in that behalf; and concerning the trade to be taken followed in relation to Indian tobacco; and touching also and plantation goods of her own, taken or to be taken as prize; and concerning things of America, to be imported from her majesty's plantations; and for appropriating the monies given in the service of parliament; and for making out debentures for two transport ships in that act passed; and to allow a further time for registering certain debentures; and for relief of persons who have lost such tickets, East-India bills, debentures, taken or orders, as in this act are mentioned. 9. For giving the commissioners of sewers for the city of London, the same powers as the commissioners of sewers for counties have; and to oblige collectors for the sewers to account. 10. For rendering more effectual the laws concerning commissioners of sewers. 11. For continuing and directing the payment of the allowances to be made for or upon the exportation from Scotland of fish, beef, and pork, cured with foreign salt, imported before May 1, 1707, and for discharging such salt still remaining to the hands of her majesty's collectors there, and for entertaining and covering the allowances for fish and beef exported and to be exported from Scotland, for the future. 12. For preserving the privileges of ambassadors, and other public ministers of foreign princes and states. 13. For the better authorizing the lengths and breadth of woollen cloth made in the county of York. 14. For the better preservation of parished libraries in that part of Great Britain called England. 15. For altering Wharfedale and Lanes terms for the court of Exchequer at Westm. 16. To prevent the buying of wages relating to the judges. 17. For making more

effectual act, not made in the sixth year of her majesty's reign, for the better preventing of adulteries that may happen by her. 10. To preserve the rights of patents to inventions. 11. To enable infants who are seized or possessed of estates in fee, in trust, or by way of mortgage, to have a confirmation of such estates. 12. For the public registering of deeds, contracts and wills, and other instruments which shall be made of, or that may affect any houses, manors, lands, tenements or hereditaments, within the county of Middlesex, after the 25th of September, 1704. 13. For improving the Union of the two Kingdoms. 14. For the queen's most grace, general, and her pardon. 15. For raising the salary for the year 1710, although the month's pay formerly advanced for her support. 16. For continuing the forest act for the encouragement of coarriage, and to encourage the bringing foreign coals, and British or foreign plate, to be coined, and for so doing passages for the mints in Scotland, and for the prosecuting officers concerning the coin in England. 17. For making perpetual an act for the better preventing the counterfeiting the current coin of this Kingdom; as also an act for giving like remedy upon pennyworth mints, as is used upon bills of exchange, and for the better payment of inland bills of exchange; and also for continuing several acts made in the fourth and fifth years of her majesty's reign, for preventing frauds committed by bankrupts. 18. For appointing commissioners to treat and agree for such lands, tenements and hereditaments, as shall be judged proper to be purchased for the better fortifying Portsmouth, Chatham, and Harwich.

3 Anne. 1. For granting an aid to her majesty, to be raised by a land tax in Great Britain, for the service of the year 1710. 2. To prohibit the exportation of corn, malt, wheat, flour, bread, biscuit and starch, and live wheat, spelt, vetch, and weak drawn from malted corn. 3. For charging and continuing the duties upon malt, wine, cyder and perry, for the service of the year 1710. 4. For continuing part of the duties upon coal, culm and culm-stone, and granting new duties upon houses having twenty windows or more, to raise the sum of 1,000,000*l*. by way of a lottery, for the service of the year 1710. 5. To continue an act for encouraging her majesty's land forces and manors, for the service of the year 1710. 6. For employing the manufacturers, by encouraging the consumption of raw silk, and mulberry trees. 7. For granting her majesty's own duties of excise, and upon several imported commodities, and for establishing a yearly fund thereby, and by other ways and means, to raise 500,000*l*. by sale of annuities, and (in default thereof) by another lottery, for the service of the year 1710. 8. For clearing, preserving, and maintaining the harbour of Calcutta, lying near Plymouth, in the county of Devon; and for the clearing and keeping close the Pool, commonly called Sutton Pool, lying in Plymouth aforesaid. 9. For laying certain duties upon candles, and

certain rates upon houses to be given with clerks and apprentices, towards raising her majesty's supply for the service of the year 1710. 10. To continue the act for punishing mutiny and desertion, and for the better payment of the army and militia. 11. To explain so much of the several acts touching the exportation of corn, malt, wheat, flour, barley, biscuit and starch, and live wheat, spelt, vetch, and weak drawn from malted corn, as which act the said commodities are intended to be carried from the Isle of Wight to several ports; and for giving liberty to export certain quantities of corn, for the use of the British hospitals beyond the sea. 12. For making a permanent dock or basin at Liverpool, for the security of all ships trading to and from the said port of Liverpool. 13. For continuing several regulations, additional regulations, and duties upon goods imported, to raise money by way of loan for the service of the year 1710, and for taking off the over-sea duty on goods required in British bottoms, and for better preventing frauds in drawbacks upon exported goods, and for increasing the duties of certain imported or foreign ships; and to give further power to foreign merchants for exportation of certain foreign goods imported; and to grant a time for presentation upon certain bonds given by merchants; and for continuing certain Acts of the officers of the customs, and to prevent impediments by such officers; and for appointing the houses granted to her majesty; and for replacing medals and to be paid for making good any deficiencies on the several acts; and for encouraging to raise naval stores in her majesty's plantations; and to give further power for registering debentures, as is therein mentioned. 11. For the better security of rents, and to prevent frauds committed by tenants. 12. For explaining and enlarging in all of the sixth year of her majesty's reign, entitled, An Act for the security of her majesty's person and government. 13. For discharging the transients of noblemen, barons, and knights, upon the lords of jurisdiction in their courts, in that part of Great Britain called Scotland; and for abolishing the method of exhibiting criminal informations by the personal roll. 14. For explaining and making more effectual an act for the better enabling the master, wardens, and assistants of Trinity House, to rebuild the light-house on the Eddystone rock. 15. To regulate the price and sale of bread. 16. For the encouragement of learning, by vesting the copies of printed books in the authors or purchasers of such copies, during the times therein mentioned. 17. For raising the salary for the year 1710, although the month's pay formerly advanced for her support. 18. For vesting certain lands, tenements and hereditaments, in trustees, for the better fortifying and securing the harbours and docks at Portsmouth, Chatham, and Harwich.

2 Anne. 1. For granting an aid to her majesty, to be raised by a land tax in Great Britain, for the service of the year 1711. 2. To

Police, it is to be taken from places affected, more effectually to perform their quarantine. 3 For charging and demanding the duties upon such, wares, cyder and perry, for the service of the year 1711. 4 To continue the acts for requiring her majesty's land forces and marines, for the service of the year 1711. 5 For securing the revenues of parliament; by the vote, their qualifying the members to sit in the House of Commons. 6 For reviving, continuing, and appropriating certain duties upon several commodities to be imported; and certain charges upon such to be a war-burden, and crossed goods; also; and for granting further duties upon molasses, for thirty-two years, to wit, 1709/1000 by way of a lottery, for the service of the year 1711; and for appropriating such said molasses, and such insurance charges, as are therein mentioned. 7 For enabling and enabling the Bank of England, for the time therein mentioned, to exchange all Exchequer bills for ready money upon demand; and to discharge any promise to be governor, deputy governor, or director of the Bank of England, and a director of the East India company at the same time. 8 To repeal the act of the third and fourth years of her majesty's reign, intitled, An Act for prohibiting all trade and commerce in the slave trade, so far as it relates to the prohibiting the importation of black slaves. 9 To continue the acts for punishing swears and drunkenness, and false registers, and for the better payment of the Army and quarters; and for appointing of auditors for the same. 10 For establishing a general post-office for all her majesty's dominions, and for setting a weekly sum out of the treasury thereof, for the service of the war, and other her majesty's occasions. 11 For laying certain duties upon hides and skins, tanned, dressed, or dressed, and upon vellum and parchment, for the term of thirty-two years, for prosecuting the war, and other her majesty's most necessary occasions. 12 For laying a duty upon hops. 13 For taking, examining and stating the public accounts of the kingdom. 14 For the better preventing of excessive and disorderly gaming. 15 For making more effectual an act of the forty-third year of the reign of queen Elizabeth, intitled, An Act concerning the matters of fact, as far as it relates to the crime of libel. 16 To make an exception on the life of a privy councillor, in the enjoyment of his office, to be sitting without benefit of clergy. 17 For the preservation of white and other pine trees, growing in her majesty's colonies of New Hampshire, the Massachusetts Bay, and province of Maine, Rhode Island, and Providence Plantations, the Narragansett country or King's Province, and Connecticut, in New England, and New York, and New Jersey in America, for the supply her majesty's navy. 18 To render more effectual an act made in the sixth year of her present majesty, intitled, An Act to repeal a clause in an act of the seventh year of the reign of her late majesty, for avoiding highways, which clause was made null and void, in these words: a

pole between the wheel horses, or with the shafts, and to oblige them to draw only in sets of horses or other teams, excepting kils. To enable her majesty to grant the use of the castle of Exeter, (except off her duty of Custom) for twenty-one years, for the use and benefit of the customs of Exeter. 20 For reviving the proceedings upon the several Informations, and informations in the nature of a Warrant, more speedily and effectually; and the same every trying and determining, either at places and franchises, or corporate and borough. 21 For and against delinquents, and rendering the public duties, and for reviving a corporation to carry on a trade to the South Sea, and for the management of the fishery; and for liberty to trade in any-where not with the solution of Spain; and to repeal the acts for regulating molasses. 22 For granting to her majesty, several duties upon crabs, for building fifty new churches in and about the cities of London and Westminster, and suburbs thereof, and other purposes therein mentioned. 23 For licensing and regulating bookish numbers and sheets, and for charging certain new duties on scamped willows, parchment and paper, and on cards and dice, and on the exportation of such and for Ireland; and for securing thereof, and for a weekly payment out of the post office, and by several duties on hides and skins, a yearly fund of 100,000 for thirty-two years, to be applied to the satisfaction of such orders as are therein mentioned, in the satisfaction of any sum not exceeding 2,000,000, to be raised for carrying on the war, and other her majesty's occasions. 24 For relief of the widows and persons of the company of mine adventurers, by making a method for settling the differences between the company and their widows, and for setting them, in order to an effectual working the mines of iron and copper. 25 For making the act of the fifth year of her majesty's reign, for the better preservation of the game, perpetual, and for making the same more effectual. 26 For the better preservation and improvement of the fishery within the river of Thames, and for regulating and governing the company of fishermen of the said river. 27 For the encouragement of the trade in America. 28 To discharge the present, and prevent the future continuance of coal owners, lightermen, traders of ships and others, to advance the price of coals, in prejudice of the navigation, trade, and manufactures of the kingdom, and for the further encouragement of the coal trade. 29 For raising the duties for the year 1711, although the said duty formerly advanced be not repaid. 30 For reviving and continuing an act made in the first year of her majesty's reign, for the more effectual preventing abuses and broods of persons employed in the working up the woolens, lins, furrows, cottons, and true manufactory of the kingdom.

31 Anno 1. For granting an aid to her majesty to be raised by a head tax in Great Brittain, for the service of the year 1708. A

For preferring the Protestant religion, by bestowing the church of England as by law established; and for continuing the toleration granted to Protestant dissenters, he is act intended, An Act for exempting their majesties Protestants subjects, dissenting from the church of England from the payment of tithes and cess, and for supplying the defects thereof; and for the better securing the Protestant Succession, by requiring the possession of the honours North Britain to take the oath, and subscribe the declaration therein contained. 3. For continuing, and continuing the duties upon salt, malt, cyder and perry, for the service of the year 1714, and for applying part of the savings therein, to pay the debt owing of the value of plate owned, and to pay for the repairing the old moun in Scotland. 4. For making the precedence of the most excellent princess Sophia, electress and dutchess-darager of Hanover, at the church for us, and of the electoral prince the duke of Cambridge. 5. To give, &c. the act of the seventh year of her majesty's reign, entitled, An Act for establishing better Protestantism, (except what relates to the children of her majesty's natural born subjects, born out of her majesty's dominions) is for explaining and altering the direction as being concerning the manner of such as far as they relate to the issue of tickets, which are to be made of heretofore used only. 7. To prevent the deserting those of the episcopal communion in that part of Great Britain called Scotland, in the exercise of their religious worship, and in the use of the liturgy of the church of England, and for repealing the act passed in the parliament of Scotland, entitled, An Act against irregular baptisms and marriages. 8. To continue the act of the last session of parliament, for taking, examining and stating the public accounts of this kingdom, for one year longer. 9. For terminating her majesty's land forces and marine, for the service of the year 1714. 10. For punishing mutiny and desertion, and false muster, and for the better payment of the army and quarters. 11. For enlarging the time given to the commissioners appointed for her majesty's revenue to do act for granting to her majesty several duties on excise, for making fifty new churches in and about the cities of London and Westminster, and suburbs thereof, and other purposes therein contained; but also for giving the said commissioners further powers for better collecting the same, and for appointing means for rebuilding the parish church of St. Mary Woolchurch in the county of London. 12. To remove the petition to that ancient right of possession against churches vacant in that part of Great Britain called Scotland. 13. For repealing part of an act passed in the parliament of Scotland, entitled, Act for discharging the hals of London. 14. For removing and continuing several acts therein contained, for preventing the mischief which may happen by fire, for building and repairing newly gaols; for exempting apothecaries from serving parish and ward offices, and serving

open juries; and relating to the returning of juries. 15. For repealing a clause in the statute made in the twenty-first year of the reign of King James the first, entitled, An Act for the further discontinuance of bankrupts, and relief of creditors against such as shall become bankrupts, and for relieving bankrupts prisoners upon the bankrupts in some special cases, which makes discontinuance of bankrupts, and for the explanation of the laws relating to bankruptcy in case of partnership. 16. For regulating, improving, and encouraging the woollen manufacture of worsted or woollen broad cloth, and for the better payment of the poor employed therein. 17. For the better collecting and recovering the duties granted for the support of the royal hospital at Greenwich, and for the further benefit thereof, and for the preserving her majesty's harbour mounings. 18. To give further time for settling such losses granted from the crown, as have not been settled within the respective times therein limited, and for making the pledging of deeds of burgess and sale voided, and of freeholds more easy. 19. For laying several duties upon all soap and paper made in Great Britain, or imported into the same; and upon chequered and striped linnen imported; and upon certain silks, callouses, laces and stuffs printed, painted, or stained; and upon several kinds of stamped vellum, parchment and paper; and upon certain printed papers, pamphlets and advertisements; for raising the sum of 1,000,000. by way of lottery towards her majesty's supply; and for licensing an additional number of lottery tickets; and for changing certain stocks of cards and dice; and for better securing her majesty's duties to arise in the office for the stamp duties by licensing the messengers, and other use; and for relief of persons who have not obtained their licence tickets in due time, or have lost Exchange bills, or lottery tickets; and for borrowing money upon stock (part of the capital of the South Sea company) for the use of the public. 20. For the relief of merchant debtors, by obliging their creditors to accept the utmost satisfaction they are capable to make, and restoring them to their liberty. 21. To prevent abuses in making linen cloth, and regulating the lengths, breadths, and equal sorting of yarn, for such persons as are in Scotland, and for whitening the same. 22. For the relief of merchants importing prize goods from America. 23. For the more effectual preventing fraudulent conveyances, in order for making void for clearing English of claims to serve in parliament. 24. For prolonging the time for payment of several duties granted by an act made in the twelfth and thirteenth years of last late Majesty King William, entitled, An Act for recovering, securing, and keeping in repair the harbour of Newcastle, for the better and support of the navigation and trade of that kingdom. 25. For raising the duties for the year 1715, although the said duty formerly advanced be not repaid; and for rectifying a mistake in an act

passed the *statute of parliament*, intitled, *An Act for punishing money and diversion, and false money, and for the better payment of the army and quarters*; and for taking accounts of treasury money formerly raised and collected. 16. For laying additional duties on hides and skins, wools, iron-work, and diversities on wools, calico, tea, drugs, gins and other wares, and policies of insurance, in every a year's time for manufacture of others to the contribution of a further sum of 1,000,000*l.* towards her majesty's supply; and for the better securing the duties on candles; and for diminishing duties concerning certain papers in Scotland, and for suppressing unlawful batteries, and other depredations of the same kind; and concerning cable wigs: and for relief of Mary Russell, in relation to an annuity of 10*l.* per annum; and concerning prize crews once brought from America, and certain tickets which were intitled to be redeemed into the stock of the South Sea company; and for approving the monies granted in this session of parliament. 17. For making effectual such agreement as shall be made between the royal African company of England, and their colonies. 18. For continuing the trade and corporate capacity of the aforesaid East India company, although their fund should be exhausted. 19. For better securing and securing the payments to be made to her majesty for goods and merchandises to be imported from the East Indies, and other places, within the limits of the charter granted to the East India company. 20. For continuing the trade to the South Sea, granted by an act of the last session of parliament, although the capital stock of the said corporation should be exhausted. 21. For the appointing commissioners to take, estimate, and determine the debts due to the army, transport service, and sick and wounded. 22. For enlarging the rate for the masters, advocates, and other members of the college of justice in Scotland, to take the oaths therein mentioned. 23. For appointing the crown courts in that part of Great Britain called Scotland, to be kept only once in the year. 24. For enjoining several clauses in an act passed the last session of parliament for the relief of the soldiers of the islands of Nova and St. Christopher, by reason of the ravages of the French there, in the year 1703.

17 Anne, Stat. 1. 1. For granting an aid to her majesty, to be raised by a land tax in Great Britain, for the service of the year 1713. 2. For granting to her majesty duties upon such, wares, cyder and perry, for the service of the year 1713, and for making fresh duplications of lottery tickets lost, burnt or destroyed; and for enlarging the rate for adjourning claims in several lottery acts; and to punish the evasion, being an evasion of lottery orders; and for enlarging a law act in relation to transmitters on customary estates, which pass by deed and assent. 3. To move and continue the act for making, continuing and moving the public revenues of the kingdom; and also to continue

the act for appointing commissioners to take, estimate and determine the debts due to the army, transport service, and sick and wounded. 4. For making inclosures of some part of the common grounds, in the West Riding of the county of York, for the redressing poor, notwithstanding the contrary law clauses in that statute. 5. To explain a clause in an act of the last session of parliament, intitled, *An Act for the more effectual preventing fraudulent conveyances*, in order to multiply rates for clearing rights of ditches in particular, as far as the same relate to the securing the value of hereditaments of the persons. 6. For the better regulating the elections of members to several parliaments for that part of Great Britain called Scotland. 7. For the more effectual preventing and punishing robberies that shall be committed in houses. 8. For raising the salaries for the year 1713, although the month's pay formerly advanced be not repaid. 9. For continuing an act made in the third and fourth years of the reign of her present majesty, intitled, *An Act for encouraging the importation of naval stores from her majesty's plantations in America*; and for encouraging the importation of naval stores from that part of Great Britain called Scotland, to that part of Great Britain called England. 10. For continuing the act therein mentioned, for governing theft and rapine upon the northern borders of England. 11. To raise 1,000,000*l.* for public use, by introducing a fourth tax to Richard's toll, and for enlarging her majesty to raise 500,000*l.* on the revenues appraised for uses of her civil government, to be applied for or towards payment of such debts and services owing to her servants, creditors and others, in all clauses mentioned. 12. For the better regulating the forces to be continued in her majesty's service; and for the payment of the said forces, and of their quarters. 13. To enable such officers and soldiers as have been in her majesty's service during the late war, to advance money, and for officers in account with their soldiers. 14. For explaining the acts for licensing hackney-coaches. 15. For making perpetual an act made in the seventh year of the reign of the late king William, intitled, *An Act to prevent false and double returns of members to serve in parliaments*. 16. For the better encouragement of the making and cloth in Great Britain. 17. To vest in the commissioners for building fifty new churches in and about London and Westminster, and suburbs thereof, as much of the arrears owed the Maypole in the Strand, in the county of Middlesex, as shall be sufficient to build one of the said churches again; and for restoring to the principal and scholars of King's Hall, and college of Brasenose, in the university of Oxon, their right of presentation to the churches and chapels in Sweeping parish. 18. For making perpetual the act made in the thirteenth and fourteenth years of the reign of the late king Charles II. intitled, *An Act for the better relief of the poor of the kingdom*; And also, to pass an act

quarters in, or being taxed according with persons coming with commodities, shall not give satisfaction by such duties as are appointed; ships. And touching perpetual the act made in the sixth year of her present majesty's reign, entitled, An Act for the improvement of customs from any ports or ports during the present war, and as much longer. And for reviving a clause in an act made in the sixth and seventh years of the reign of the late King William, entitled, An Act for widening the trade to Africa, for allowing foreign copper base metal, to be exported.

11. Anne, Stat. 2. 1. For granting an aid to her majesty, to be raised by a land tax in Great Britain, for the service of the year 1713. 2. For allowing a drawback upon the exportation of salt to be made use of for the curing of fish taken in North Sea, or at Island. 3. For clearing and continuing the duties upon salt, tann, cyder and Perry, for the service of the year 1714, and for the encouragement of the distilling brandy from washed corn and cyder; and for making forth duplicates of Exchequer bills, and lottery tickets, lost, burnt, or destroyed; and to enable the governor and company of the Bank of England, and others, to lend money upon South Sea stock. 4. For the better regulating the forces to be continued in her majesty's service, and for the payment of the said forces, and of their quarters. 5. For taking away the new additional duty of 30d per cwt, ad valorem, imposed upon all books and papers imported into Great Britain, by an act made in the tenth year of the reign of her present majesty Queen Anne. 6. For taking away mortgages within the dioceses of Eborac, Lincoln, St. David's and St. Asaph, and giving a recompence therefore to the bishops of the said respective dioceses; and for confirming several letters patents granted by her majesty for perpetually renewing a prebend of Gloucester, in the monastery of Fontbrink college in Oxford, and a prebend of Rochester in the prebendship of Great Ouse college in Oxford, and a prebend of Norwich to the mastership of Catherine-hall in Cambridge. 7. To prevent the growth of schisms, and for the further security of the churches of England and Ireland, as by law established. 8. For encouraging the tobacco-trade. 9. For laying additional duties on soap and paper, and upon certain linen, silk, cotton and stuff, and upon starch and exported wool, and upon stamped vellum, parchment and paper, and for raising 1,400,000*l.* by way of a lottery for her majesty's supply, and for allowances for exporting waste wares of leather, sheep-skins and lamb-skins; and for distribution of 4,000*l.* due to the officers and women for gun-money; and to adjust the property of tithes in former tithes; and touching certain shares of stock in the capital of the South Sea company; and for appropriating the monies granted to her majesty. 10. For raising the militia for the year 1714, although the militia pay formerly advanced be not repaid; and for rectifying a mistake in an act passed

in the present session of parliament, entitled, An Act for regulating the forces to be continued in her majesty's service, and for payment of the said forces and their quarters. 11. To prevent the laying her majesty's subjects to serve as soldiers, without her majesty's licence. 12. For the better improvement of the customs within the shires of England, and for preventing any mathematical problem, in as far as the said act extends to any church or churches. 13. To exchange and right the two rivers of the river there for the use of 20,000*l.* to 100,000*l.* by their discharge out of the year 1707, 1708, 1709, which they received. 14. For continuing more effectual an act made in the 11th year of the reign of King James I, entitled, An Act to prevent and avoid dangers which may grow by Popish recusants, and also another act made in the first year of the reign of their late majesties King William and Queen Mary, entitled, An Act to give to the two Universities the presentations of benefices belonging to Popery; and for raising to the lords of judiciary power to reflect the same punishments against Jews, Protestants, and other trifling Popery, which the jury counsel of Scotland was empowered to do by an act passed in the parliament of Scotland, entitled, An Act for preventing the growth of Popery. 15. For providing a public reward for such persons or persons as shall discover the longitude at sea. 16. To reduce the rate of interest, without any prejudice to parliamentary securities. 17. For the speedy and effectual preserving the navigation of the river of Thames, by stopping the branch in the levels of Havering and Dagenham in the county of Essex; and for securing the coal-measure. 18. For the preserving all ships and goods thereof, which shall happen to be found on shore, or wrecked upon the coasts of this kingdom, or any other of her majesty's dominions. 19. To explain a clause in an act of parliament of the sixth year of her majesty's reign, for laying several duties upon all clay and paper made in Great Britain, or imported into the same; and upon chequered and striped paper, imported, and upon certain silk, cloth, lace, linen and stuff, printed, painted or stained, and upon several kinds of stamp vellum, parchment and paper; and upon certain printed pamphlets and advertisements, for raising the sum of 1,000,000*l.* by way of a lottery, and for other purposes in the said act mentioned; so far as the said act relates to linen, cotton, buckram, linnen, and Silken articles. 20. To explain and make more effectual an act passed in the sixth year of her majesty's reign, for preventing abuses in making lace, cloth, and regulating the length and breadth, and equal sorting of yarn in such piece made in Scotland, and for whitening the same. 21. To explain part of an act made in the seventh year of her majesty's reign, for enlarging the capital stock of the Bank of England, and for raising a further supply to her majesty, for the service of the year 1709; so far as the same relates to merchandise, imported into the kingdom.

21. To reimburse an act of the sixth year of her majesty's reign, repealed, An act to enable her majesty to make hawks and capons off of fowls, hawks and basements, parcel of her estate at Greenwich, or annexed to the same.

22. For reducing the laws relating to vagans,

vagabonds, sturdy beggars, and vagrants, now are all of parliament; and for the more effectual punishing such rogues, vagabonds, sturdy beggars and vagrants, and sending them whither they ought to be sent.

N^O IV.

THE LORD TREASURER OXFORD'S LETTER TO THE QUEEN, JUNE 9, 1714. [See p. 1365.]

May it please your majesty,

I presume, in obedience to your royal command, to lay before your majesty a table of your affairs. Though I have very much mismanaged it from the draught I made, and the vouchers from whence it is taken, yet I find it small under my pen is transcribing, being willing to put every thing before your majesty in the clearest light my poor understanding can attain to. It was necessary to lay it before your majesty in the secret of time, from the

beginning to this present time, and when that is completely laid before you, it remains only for me to beg God to direct your majesty—and as to myself, do with me what you please; place me either as a figure, or a cypher, displace me, or replace me, as that best serves your majesty's occasions, you shall ever find me, with the utmost devotion, and without any reserve, Madam, Your most devoted, most faithful, most humble, most obedient subject, and unworthy servant, OXFORD.

A brief Account of Public Affairs, since August 8, 1710, to this present 8th of June, 1714. To which is added, the State of Affairs abroad, as they relate to this Kingdom; with some humble Proposals for securing the future Tranquillity of her Majesty's Reign, and the safety of her Kingdoms.

Her majesty, on the 24th of August 1710, was pleased to alter her treasury, and two days after in a new commission, Robert Harley, by her majesty's great favour, was made chancellor of the exchequer.

The state of affairs at home and abroad are fresh in every one's memory.

The condition of the treasury at that time was laid before her majesty in a large representation.

I beg leave to touch some few heads: the army was in the field, no money on the treasury; most of the revenues would contract again; the bank had refused to lend 100,000*l*. to lord Godolphin, on very good security the day; and other branches of revenue, eleven millions in debt, which enhanced the price of every thing proportionally: the civil list in debt above 200,000*l*., and the yearly income too little for the current current expense, by the lowest computation, 120,000*l*. the year.

In a few days, this new commission made provision for paying the army, by the greatest sum of money that had ever been known, though the opposition from every office, which was full of persons who were enemies to the change made by the queen, was very strong, and very troublesome and tedious: and such was the situation of affairs, that nothing but great patience could ever have overcome these difficulties; it being impossible, as well as unavoidable, to make progress, but by degrees.

As soon as it was possible (and notwithstanding the dissent then raised, it was the only proper time) a new parliament is called.

In that meeting was November 25, 1710. Robert Harley had prepared the funds ready (before the parliament met, as he had done every session in this day) not only for the current service of the year, both by sea and land, but also for easing the nation of above nine millions of debt. This was thought to be dangerous, where Robert Harley did begin to open it, that it was treated with ridicule, could be observed how practicable it was. In a tape, this gave great reputation abroad, and enabled to treat advantageously of a peace. It raised selling credit at home; but, at the same time, sent down every upon Harley from a rose, and the rage of others, so it gave offence to some of his fellow servants, who told him plainly, that he ought to have told his secret, and if he would not get money himself, he ought to have let his friends share 100,000*l*. which would not have been left, or forced out, in so vast a sum as 2 or 10 millions.

To this principle was owing the setting on foot of this war, the unhappy voyage to Flanders, to all which missteps Harley avoided coming, and gave lord Rochester his reasons; and after he dressed his knowledge to be a means to the queen, no further that expedition, just it happened to be too late. But lady Masham knew her mind, Harley was concerned at

in, though he did not leave the next spring of that voyage, which will appear after in this paper.

The beginning of February 1710 11, there began to be a division among those called Tories on the House, and Mr. Secretary St. John thought it convenient to be being a separate party for himself.

To prevent this, lord Rochester and Harley desired to have a meeting, and to read each other's accounts; and it was contrived Mr. Secretary St. John should come as to dinner (which was the last time he was invited) Robert Harley, being now about three years) whom was the duke of Shrewsbury, and Foster, lord Rochester, and others, and lord Rochester took the pains to call the spirit of division and ambition.

Harley was at this time seized by a violent fever; and on his first coming abroad March 8, met with a malfortune which confined him many weeks. The transactions during that time, are too public, as well as too black, for Harley to remember or to excuse.

In the end of May, 1711, the queen, out of her abundant goodness, was pleased to confer undeserved honors on Robert Harley, and on the 10th of the same month, was pleased to put the Treasurer's staff into his hands: a post so much above Harley's abilities to struggle with, that he had nothing but integrity and duty to recommend him to her majesty's choice, so he must have recourse to his majesty's transcendent goodness and mercy to pardon all his faults and failings both of omission and commission, during the whole course of his service.

But to return and resume the thread of this discourse. The 4th of June 1711, three days after the Treasurer was sworn, he was surprised with a demand of 50,000*l.* as for arms and munition, and to be sent to Canada. When the Treasurer accepted this, Mr. Secretary St. John and Mr. Moore came to him with much passion upon this affair; and, about a fortnight after, the Secretary of State signified the queen's positive pleasure to have that money paid: and accordingly her majesty signed a warrant, June 21, and the Treasurer not being able then, with all his pretensions, to discover further light, the money was paid July 24th, 1711.

Since the return from that expedition, the secret is discovered and the Treasurer's escape is justified for the public was charged of above 80,000*l.*

There is reason to be more particular upon this head, because it is one of the things never to be forgiven the Treasurer; and Lord Chancellor told him more to that purpose, that they told him no government was worth serving, that would not let them make these advantages, and get such jobs.

One thing more is very hard to be added, that the Treasurer was forced to use all his skill and credit to keep the House of Commons from examining the affair last parliament.

June the 10th, 1712, the first session of last parliament opened.

From this time, to the beginning of the next session, the Treasurer's hands were full of managing the great as all accounts abroad; and besides the ordinary and necessary duty of his office at home, he had frequent occasions of calming the quarrels and grudges Mr. Secretary had sometimes against lord Dartmouth, sometimes against lady Masham, and sometimes against the treasurer himself.

The second session of the last parliament began December the 24th, 1711.

This was attended with great difficulties and dangers, as well from the pretensions of the dissatisfied here, as the designs abroad as by Mr. Boys, prince Ragusa, and Barkham; in which designs occurred the emperor and other princes and princes who gazed by the war.

This put her majesty under a sort of necessity to preserve the whole, and to take a method which had been used, to create some new pains.

So many having been brought forward out of the House of Commons, of those who used to manage public affairs, it was proposed to Mr. Secretary, that if he would be contented to stay in the House of Commons that session, her majesty would have the goodness to create him a peer, and that he should not lose his rank.

The second session ended the 24th of June, 1712, and notwithstanding Barkham's Memoirs, and all other attacks both from abroad and at home, supplies were provided, and every thing relating to the public put upon a good foot, and the malcontents began to despair, as appeared by the duke of Marlborough's return abroad, and other particulars.

After the session was ended, the queen, as she had promised, ordered a warrant for Mr. Secretary St. John, to be a viscount: this happened to put him in the utmost rage against the Treasurer, lady Masham, and without sparing the greatest.

It did not stand very high to tell how much he had got in place; for had he been created with the other lords it would have fallen to his share to have come next after lord Trevor, but the Treasurer, with great patience, bore all the storm, of which lord Masham was often a witness of the outrageous speeches; and Mr. Moore very lately told the Treasurer, that lord Bolingbroke and very lately to him, that he owed him a revenge upon that head.

This discontent continued, and there happened an opportunity of sending him to France; of which there was not much occasion: but it was hoped, that this would have put him in good humor; which it did, until in October 1712, there were heights of the paper made. This created a new disturbance, which is now well remembered, and breaks out now very often in outrageous expressions publicly against all these made.

In November, on the death of duke Marlborough, he was much against duke Shrewsbury's gang, for reasons very plain, which then were in reputation; for before the last session of that parliament began, a new model was framed, for a scheme of dissolving which how they affect-

would never it fell out well appear in its due

The third and last session began April the 28th 1714; which was as soon as the peace was confirmed and could be proclaimed.

It is not decent to take notice of That during this whole session, the Treasurer was absent by his own fault, and his own change, to correspond in all the causes concerned in the government; and says that he had the good luck to escape several mistakes, and to obtain some things very little expected; but the only thing in this belongs to her majesty, the credit of whose favour brought it about, and gave power to the Treasurer to act with success.

During this session, the lords of the cabinet, and others, met every Saturday at the Treasurer's house to carry on the queen's business, which had done the year before on Thursdays; all affairs were ready, and regulated by the Treasurer in order to punish former offenders, and quiet the minds of the gentlemen, and of the church-party; and the only reason for this being was, because of the project laid for their new scheme, and putting themselves at the head, as they called it, of the church-party.

This being the last session of parliament, and some gentlemen fearing their elections, and some for other reasons, drop the bill of Commerce.

The Treasurer saw this opportunity, and immediately took it, and provided with us Thomas Hudson, and others, to come into the payment of the civil list debts, incurred before the change of the treasury, though the present Treasurer was refused, and resigned; which he chose to bear patiently, rather than own the new session, that there was no money to do it with, which would have raised all an uproar.

This step of paying the debts, put the malcontented into the utmost rage, which they did very publicly express in both houses.

The last session of that parliament, and the third since the change of the ministry, ended July the 16th, 1715.

The peace with France being over, and it growing necessary to put her majesty's affairs into a further settled regulation, and to ease the Treasurer of the burden as well as every of such a bulk of business: her majesty was pleased to approve of the scheme of the Duke of Ormond's carrying hence to attend the army-officers, which was necessary at the time of disbanding; duke Shrewsbury to go to Ireland, upon his return from France; lord Findlater to be chancellor of Scotland; lord Mar third secretary, lord Dartmouth privy-seal, and Mr. Hensley secretary of state, and Mr. William Wyndham chancellor of the Exchequer. I am sure the queen very well remembers the rage this caused, as perfectly deluging their schemes, and showing that her majesty would put her trust upon a solid foundation: the lord-chancellor said it was against law, and to this day will not trust lord Findlater with decency; and lord Mar has met with

many ill treatments, as well as Mr. Secretary Hensley.

But that the Treasurer might leave them without excuse, and make her majesty's affairs, if possible, very safe and to those in her service; as soon as he was recovered enough to write, he wrote a large letter to lord Bolingbroke, containing his scheme of the queen's affairs, and what was necessary for lord Bolingbroke to do, as belonging only to his province. This letter was dated July the 28th, 1715, and was answered July the 29th, by lord Bolingbroke, the copy was shown to lady Masham, who came to visit the Treasurer then confined in his chamber; and she then thought it a very good one, and what was proper for the occasion. I believe the whole would be of use to give light to her majesty into the ground and foundation of the false and madeness which have since appeared, the whole is ready for her majesty's perusal when she pleases.

In this letter the Treasurer gives an account to lord Bolingbroke of the occasion, or rather the pretence for giving disturbance to the queen's servants. He proposes the remedy, and what was requisite to be done by him as secretary in her own province, and also assurance of the Treasurer's constance to the utmost, and of his desire to consult with him (lord Bolingbroke) how to unite the rest of our friends.

Being then satisfied the Treasurer took the liberty to put lord Bolingbroke in mind of the several particulars which then required dispatch, and were solely belonging to his province, without any other interpretation than that of taking your majesty's direction.

Amongst others, that of a circular letter upon the address of both houses, relating to the Pretender.

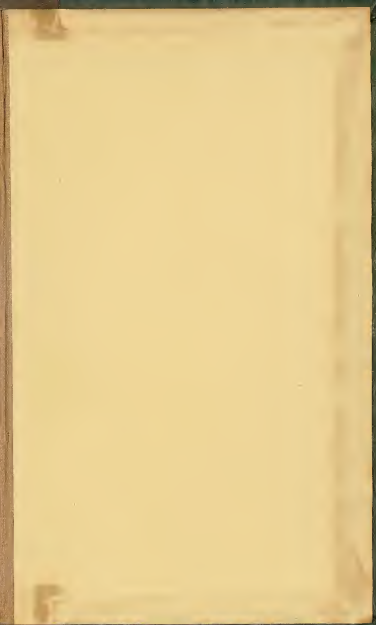
This was not done in three months. His lordship wrote when it was done July the 25th.

In the same letter the Treasurer proposed, that (according to the treaty of peace) care should be taken of the following particulars, viz. Newfoundland, Hudson's-Bay, Acadia, St. Christopher's, Antigua, and other things contained in the treaty of commerce.

These pretences the Treasurer thought to have been excused, and within a few weeks he found the contrary by accident, and that the share in the several treaties was elapsed. Upon this, the Treasurer on Wednesday, June the 2d, told Mr. Hensley of state, that every body would be liable to blame who are in the queen's service. Thursday, June the 2d, 1716, lord Bolingbroke writes to the Treasurer a letter, which begins thus.

"Mr. Hensley has been this morning with me, and has put into my hands a paper, which he calls, I don't not improperly, a charge upon me."

This paper contains the neglect above-mentioned in the Treasurer's letter of July the 28th, 1715, and yet those faults are now charged upon the Treasurer.





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PARLIAMENTARY
HISTORY

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1702-1714

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